THE SVRVEIORS DIALOGVE,

Very profitable for all men to perʋſe, but *eſpecially for Gentlemen, Farmers, and Huſ-*bandmen, that ſhall either haue occaſion, or be willing to buy, hire, or ſell Lands: As in the ready and perfect Surueying of them, with the manner and Method of keeping a Court of Surʋey with many neceſſary rules, and familiar Tables to that purpoſe.

As alſo,

The vſe of the Manuring of ſome Grounds, fit as well *for* LORDS, *as for* TENNANTS.

Now the third time Imprinted.

And by the ſame Author inlarged, and a ſixt Booke newly added, of a familiar conference, betweene a PVRCHASER, and a SVRVEYOR of Lands; of the true vſe of both, being very needfull for all ſuch as are to purchaſe Lands, whether it be in Fee ſimple, or by Leaſe.

Diuided into ſixe Bookes by I. N.

PROV. 17. 2.

A diſcreete Seruant ſhall haue rule ouer an vnthriftie Sonne, and he ſhall deuide the heritage among the brethren.

Voluntas pro facultate.

LONDON:
Printed by THOMAS SNODHAM, 1618.

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To the right Honourable ROBERT, Lord Cecill, Baron of Eſingdon, Vicecount *Crambourne, Earle of Salisburie, Principall Secretarie to the moſt high and magnificent Prince,* IAMES, *King of Great Britaine, France, and Ireland, Maſter of his Maieſties Wards and Liueriet, of his Maieſties* moſt Honourable Priuie Counſell, and *Knight of the moſt Noble Order of the Garter.*

AS the earth (right Honourable) was giuen to man: and man (after diuine) was enioyned the care of earthly things, euery man in ſeuerall place, qualitie and ſtate, the greateſt receiuing thence greateſt dignities, euen to be called *Princes of the Earth:* So is it not the leaſt regard, that men of whatſoeuer title or place, ſhould haue of the lawfull and iuſt meanes of the

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preſeruation and increaſe of their earthly Reuenues. And that eſpecially, by iuſtly atchieuing, and rightly vſing Dominion and Lordſhip: which principally grow (omitting publique office and authoritie) by Honours, Mannors, Lands, and Tennants: for according to the largeneſſe of Reuenues, are the meanes to enable the Honourable, to ſhelter the vertuous diſtreſſed, and to cheriſh ſuch, as by deſert may challenge regard. And according to their will and power therein, is the vulgar reputation of their Magnificence. But (my good Lord) as mine indeuour in this rude Dialogue, tendeth but, as it were, to the plow: So I omit to wade into the impaſſable cenſure of honour and dignitie, wiſhing it euer deſerued reuerence. And as touching Land-reuenues, wherewith many are (but eſpecially the Honourable are, or ought to be principally) endowed, I preſume onely in this ſimple Treatiſe to diſcourſe: So farre (according to my ſlender capacitie, and weake experience) as concerneth the ordinary neceſſarie meanes of the maintenance and increaſe of Land-reuenues. And becauſe the true and exact Surueying of Land, is the principall;

I haue herein indeuoured, more of Deſire, then of Power, (for the vſe and benefit of all ſorts of men, hauing to deale with land, both Lords and Tennants) to ſhew the neceſſitie, and ſimple method thereof; Moſt humbly intreating your good Lordſhip (the fruits of whoſe, and of your honourable Fathers fauours, I haue many waies taſted) to vouchſafe me your Honorable pardon for preſuming, and your like patience in accepting at my hands this ſecond time, this little Mite; which, were it as great, as any wel-wiſhing heart can intend good, it were (together with my poore ſelfe) in trueſt ſeruice vnfainedly your Lordſhips. It may therefore pleaſe the ſame to accept it: ſo ſhall others the more willingly embrace it, or the leſſe diſgrace it, humbly recommending it to your gracious fauour.

At my poore houſe at Hendon, 27. Martij. 1610.

Your Lordſhips euer to be commanded,

IO. NORDEN.

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To the beneuolent Readers, eſpecially to Land-lords, Tennants, and Surueyors of LANDS.

S God in his high and incomprehenſible wiſdome, hath giuen vnto man two beings, a Spirituall, and Corporall: So hath he enioyned him two preſcript cares, the one of diuine and heauenly, the other of humane and earthly things. And although the firſt be as farre more excellent then the ſecond, as the brighteſt Sunne exceedeth the blackeſt darkneſſe: yet hath hee not omitted, to giue vnto all men an expreſſe commandement, to be mindfull of the ſecond: Although it muſt be confeſſed, that no man taking an extraordinary care, can adde, as of himſelfe, one iot of increaſe of any good thing, neither can he of his owne proper induſtry, aſſure himſelfe of any part of true proſperitie in this life, yet muſt he not therefore diſſolutely neglect his vttermoſt lawfull indeuour, to aduance his owne welfare, which he neither can doe, without feare and trembling, if he call to minde the cauſe why the earth bringeth forth vnto vs of it owne accord, nothing but the very tokens of our originall diſobedience, wherein is imprinted this Motto *or* Poeſy *of our ſhame:* With the ſweat of thy face thou ſhalt eate thy bread, all the daies of thy life. *And thus without exception of perſons; whereby it appeareth, that none is exempted from labour and trauaile, in one kinde or other, to maintaine his eſtate here. Our Fathers of fame began it.* Adam *digged the earth, and manured it.* Tubal *wrought in Mettals.* Noah *planted a Vineyard.* Abraham, Lot,

Lot, Moſes, Dauid, Elizeus, Amos, *and many other godly and great men were Shepheards.* Gydeon *was a Threſher of Corne.* Iacob *and his ſons the Patriarks, were Heardſmen.* Ioſeph *a Purueyer of Corne in Egypt.* Paul *made Tents.* Matthew *was a Cuſtomer, or Toll-gatherer.* Peter, Andrew *and others were Fiſher-men: And* Saul *a keeper of Aſſes. If theſe men began the way of labour in ſo many kindes, who may ſay he is free in one kinde or other? And he that in reſpect of his greatneſſe of birth or wealth, will pretend a priuiledge of idlenes, or vaine and vnprofitable exerciſes, doth diſcouer his forgetfulneſſe, or neglect of the duety in earth, which euery man, euen the greateſt oweth vnto the Common-wealth, his owne familie and poſteritie: And he is cenſured euen by the mouth of God,* Worſe then an Infidell, *that neglecteth theſe duties. And none is excuſed, or exempted out of this* Law of prouiſion for his familie, *be he neuer ſo high or meane; not that ſuch men as are honourable by birth, office, or aduancement, ſhould till the earth, or be Shepheards, or Herdſmen. But that they ſhould, according to their greatneſſe, execute great place in the Common-wealth, whereof (after the care of Diuine things, in reſpect of God that gaue them their greatneſſe) they ſhould haue care to performe ſome ſeruice, in reſpect of the King, vnder whom they enioy their greatneſſe: To ſhew loue and diligent regard, to ayde their inferiours, in reſpect of whom they haue the imputation of their greatnes. To be prouident in prouiding things neceſſarie for their Families, that haue an intereſt to pertake of their greatneſſe. And laſtly, in reſpect of their poſterities, that are to become the more great by their greatneſſe. And how can they doe thus, vnleſſe they looke into, and vſe the meanes of the increaſe and preſeruation of their greatneſſe? And for as much as the ſame conſiſteth, for the moſt part, in the reuenewes of land: what greater*

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ter care ought they to haue, then to maintaine, and lawfully to augment the ſame, which decaying, their Honour and honourable reputation diminiſheth. To preſerue or augment Reuenues, there muſt be meanes: the meanes are wrought by Knowledge; Knowledge had by Experience; Experience by view, and due obſeruation of the particulars, by which Reuenues doe or may ariſe. Wherein are to be conſidered the Quantities, and Qualities of Land, with the preſent Rents, and eſtimate values by a reaſonable improuement: which duly found, to haue a due regard to proportion yearely diſtributions and expendings with the annuall Incomes, in ſuch ſort, as alwaies the preſent yeare may rather adde vnto the next, then the next to be charged with the yeare paſt. For when the preſent yeare ſhall expend more then the Reuenues of the ſame may beare, the yeare following cannot but be ſurcharged: and ſo will it ſurcharge the future, ſo long, that either hee ſhall be forced to ſtrike the topſaile of his improuident waſting, in time; or at length, through the furious blaſts of exceſſiue prodigality, be blowen vnder the water of diſabilitie, by ouerſwelling the ſailes of his vaine-glory. I ſpeake not this in the way of attachment, but of caution: And ſo I truſt, all men will take it, and accept of my poore indeuour in this kinde, conſidering that neceſſary it is, that all men ſhould know what it is to haue Reuenues; namely, firſt to know them, and then to vſe them to their owne aduancement, and to the good of others. And becauſe it is not the worke of the Honourable, and of ſuch as haue high and ſerious Common-wealth imployments, to be perſonall actors of their owne affaires in this kinde, they are to vſe the ſeruice of ſuch as are fit in knowledge, and in iuſt dealing, to trauell in this kinde of buſineſſe, by whoſe faithfull and ſincere informations, they may know what is iuſt and right to be done and demanded: And in all fauour and clemencie,

mencie to deale with ſuch, as are in this manner within the compaſſe of their reuenues, and by whom, and by whoſe labours they maintaine their greatneſſe: for (no doubt) there is none but well conſidereth, that how great or powerfull ſoeuer he be in Land Reuenues, it is brought in vnto him by the labours of inferiour Tennants: yea, The King conſiſteth by the field that is tilled. Eccleſ. 5. 8. *And there is none of theſe inferiours, of ordinary diſcretion, but well knoweth, that what hee inioyeth, is by the fauour of his Lord in a ſort: And therefore ought there to be ſuch a mutuall concurrence of loue and obedience in the one, and of aide and protection in the other, as no hard meaſure offered by the ſuperiour, ſhould make a iuſt breach of the loyalty of the inferiour: which kinde of vnion is no waies better preſerued and continued betweene the Lord and Tennants, then by the Lords true knowledge of the particulars that euery Tennant holdeth, and a fauourable courſe in Fines and Rents: and by the Tennants loue and thankfulneſſe in all ready ſeruice and dutie towards the Lord. And to that end, it is (no doubt) expedient, that Lords of Tennants haue due regard of their owne eſtates; namely, of the particulars of all their Tennants lands, and that by a due, true, and exact view and ſuruey of the ſame, to the end the Lord be not abuſed, nor the Tennants wronged and grieued by falſe informations, which commonly grow by priuate Intelligencers, and neuer by iuſt Surueyors. And becauſe the office of a Surueyor (duely waide) is an office both neceſſary, expedient, and of truſt: It behoooueth him to be firſt honeſtly and vprightly minded: and next, skilfull and iudicious in the facultie. Then can he not, but by induſtrie and diligence, produce an exact diſcouerie and performance of the worke he vndertaketh, to the true information of the Lord, whoſe benefit and vttermoſt lawfull profit hee is to ſeeke, in a good conſcience, diſſwading him*

him yet from diſtaſtefull Auarice, the greateſt blemiſh that can befall a man, ſeeking true reputation and renowne, by his Reuenues. For too much ſeueritie afflicteth the hearts of poore Tennants, who (by common experience) are found to be more firmely knit in the bond of true duety, loyall affection, and ready ſeruice vnto their Lords, by their Lords frugality, ſweetned ſometimes with the cheerefull drops of true liberality, then by the extreames of auſterity, vaine prodigality, or compulſiue exactions. And yet not ſo, as Lords of Tennants ſhould be ſo ouerſwayed with abuſed lenitie, or careleſſe looking into their owne, as may breede contempt in Tennants: but rather that they ſhould keepe ſuch an euen, and equall hand ouer their Tennants, as may continue mutuall loue, and in them a louing feare: And not to ſeeke the increaſe of Reuenues ſo much for vaine-glories, as for vertues maintenance: Which will appeare by doing good to deſeruers, by their vertuous life; a worke of true vertue: when contrarily, vaine-glory ſeeketh idle and vaine reputation, by vniuſtly atchieuing, and either prodigally conſuming, or too miſerably increaſing Reuenues, which I muſt leaue to euery mans owne fancie, wiſhing all to faſhion their waies in this kinde, to Gods glory, the Kings ſeruice, the good of the Common-wealth, and to other ſuch ends, for which God hath giuen them greateſt earthly bleſsings; recommending vnto you this ſimple rude lumpe, of which, if ſome more skilfull, will beſtow the re-lucking, and bring it to his true ſhape, my ſelfe with many others, ſhould thankfully imbrace it. In the meane-time friendly accept it, and in kindeneſſe afford ſparing reproofe.

ECCLES. 7. 13.
Wiſedome is good with an inheritance.

Yours, I. N.

The Author to his Booke.

LOoke ere thou light into the hands of ſome:
Some lay but traps to catch thee in diſgrace,
Diſgrace thou none, be ſilent where thou come,
(Yet thou ſhalt come where *Momus* is in place,)
Place thee with thoſe, whoſe hearts aright doe ſee:
And ſeeing, iudge, in fauour, faults that be.

Faults be in thee; who ſaies he doth not erre,
Erres, in conceit, that he alone is free:
And ſuch, not free, will ſure thy faults transferre,
And for one fault, transferre them ten in thee:
Not thee in this, but me they diſcommend,
That I abroad doe thee ſo baſely ſend.

Baſe I thee ſend: excuſe me what thou can,
If thou cannot, plead thus to ſeeming friends:
Alas, my friends, abortiue I began:
Who me began, thus meanely forth me ſends,
That I might tell him, how I paſſe the taunts
Of taunting tongues, that ſeeke their praiſe by vaunts.

I vaunt it not, but am content to be,
Where meaneſt be, that bluſh to ſhew their face:
Who ſees my face, a picture baſe may ſee;
Yet may he ſee, farre fairer finde diſgrace.
Diſgrace not him, that ſends me for good will:
But will him well. Requite not good with ill.

Inuidia ſibi, & alijs venenum.

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The Contents of the fixe Bookes of the SVRVEYORS Dialogue.

The firſt Booke.

COntaineth a communication betweene a Farmer and a Surueyor of Land: wherein is prooued, that Surueyes of Manners and Lands, are neceſſary both for the Lord and Tennant, and in what manner Tennants ought to behaue themſelues towards their Lords, in reſpect of their Tenures.

The ſecond Booke.

Is intreated betweene the Lord of a Mannor, and a Surueyor, concerning the eſtate of a Mannor, of the parts and profits thereunto belonging, and how the Lord of a Mannor ought to deale with his Tennants.

The third Booke.

Containeth the manner and Method of keeping a Court of Suruey, and the Articles to be inquired of, and the charge; how to enter and inroll Copies, Leaſes and Deedes, and how to take the plot of a Mannor.

The fourth Booke.

Sheweth the manner of the caſting vp of the quantities of Acres of all ſorts of grounds by the Scale and Compaſſe, with Tables of computation, for eaſe in accompting.

The fift Booke.

Sheweth the different natures of grounds, and whereunto they may be beſt imployed, how they may be bettered, reformed and amended, fit for all Farmers and Husbandmen.

The ſixt Booke.

Containeth a briefe conference betweene a Purchaſer of Land, and a Surueyor: wherein are ſome points neceſſary to be conſidered of ſuch as are able and willing to Purchaſe Land in Fee-ſimple, or by Leaſe.

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THE SVRVEYORS DIALOGVE, BETWEENE a FARMER and a SVRVEYOR: VVherein is proued, that Surueyes are neceſſarie and profitable both for Lord and Tennant: and wherein is ſhewed how Tennants ought to behaue themſelues towards their LORDS.

THE FIRST BOOKE.

FARMER.

SIr, I am glad I haue ſo happily met with you, for if I be not miſtaken, you are a Surueyor of Land.

Sur. Admit it ſo, Sir, what then?

Farm. I haue heard much euill of the Profeſſion, and to tell you my conceit plainly, I thinke the ſame both euill and vnprofitable. Surueying raſhly condemned.

Sur. You ſeeme to be but a young man in yeares, and are you ſo deepely ſeene in the abuſe of this faculty, that you can ſo peremptorily condemne it?

Far. Call you it a Faculty? What meane you by that word? Faculties.

Sur. Abilitie to performe a thing vndertaken.

Far. Then this faculty of yours, I ſay, is a vaine faculty, and a needeleſſe worke vndertaken.

Sur. Speake you this by coniecture, by report of others,

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others, or by due experience of your owne?

Far. I ſpeake indéede, as induced to the opinion I hold, by all the three reaſons.

Sur. Then needs muſt you be either partiall or malicious in the firſt two,& deceiued in the third: For he that ſpeaketh by coniecture hath not experience,and he that ſpeaketh by report, is as a truncke to conuey an vncertaine ſound comming from one, to the eares of others: and if you ſpeake by experience, then haue you a pretence to haue skill in the art: & by your own experience it ſeemeth, you condemne your ſelfe to haue abuſed the ſame, and ſo condemne a generall neceſſary profeſſion, in reſpect of your owne particular error in the ſame.

Coniecture often deceiued.

Far. No Sir, I am willingly vnſkilfull in that contemptible vanitie. But my experience groweth, by talking of the euil that hath followed the execution of the thing, by ſome like vnto your ſelfe.

Sur. This is a generall condemnation, raſhly pronounced againſt all,for the abuſe of ſome,and they onely ſpew out greateſt ſcandals, that are by examination in this buſines found moſt deceitfull againſt their Lords, and therefore no maruaile though the profeſſion be contemned and condemned, of ſuch as are to be condemned,for the offender cannot ſpeake well of the apprehender, nor ſcarcely of the moſt iuſt Iudge.

The moſt fauity findeth firſt fault.

Far. You ſpeake as if you knew ſome abuſe in me: I tell you, you doe me wrong to attach me ſo.

Sur. Belike you thinke it free for you to cenſure other men at your pleaſure,and to iudge them after your own vaine conceit,and yet no reply muſt take hold of your vaine quarrell, that riſeth of meere malice againſt the innocent.

Far. Innocent? How can that be, when you pry into

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mens Titles and eſtates, vnder the name (forſooth) of Surueyors, whereby you bring men and matter in queſtion often-times, that would (as long time they haue lye without any queſtion. And oftentimes you are the cauſe that men loſe their Land: and ſometimes they are abridged of ſuch liberties as they haue long vſed in Mannors: and cuſtomes are altered, broken, and ſometimes peruerted or taken away by your meanes: And aboue all, you looke into the values of mens Lands, whereby the Lords of Mannors doe racke their Tennants to a higher rent and rate then euer before: and therefore not onely I, but many more Tennants elſe haue good cauſe to ſpeake againſt the profeſſion.

The pretended cauſes why Surueyors are condemned.

Sur. Be you not offended at the compariſon which I will make to your allegations. Why ſhould not ſuch perſons as are inhibited by the lawes of the Realme, to commit certaine actes within the Common-wealth, cry out againſt them, that by the ſame lawes are appointed Magiſtrates and Officers to ſee theſe lawes executed vpon them, as Roagues, Beggars, and other like vagabonds? for if ſuch officers and ouerſeers were not, theſe offenſiue perſons might haue their wils: ſo ſhould it follow, that men of peace, and good members of the Common-wealth, ſhould be endangered to be ſacked of that they haue, by ſuch lewd perſons. Neceſſary therefore is it, that there ſhould be ſuch as ſhould ſee vnto, informe, puniſh, and reforme theſe. And by your aſſertions you may as well intend, vnder like reaſon, againſt keeping of Courts in a Mannor, wherein many abuſes are found out, reformed, and puniſhed, which without ſuch Courts, would lye ſmothered, feſtering ſo long, that there would be few ſound members left within the ſame.

Far. It ſeemes, you compare Tennants of Mannors that are (many of them) honeſt, cruell, and ſubſtantiall men, to Roagues, and vagabonds. You forget your ſelfe.

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Sur. My plaine words are, that as well these euil members of the Common-wealth, may speake against the Surueyors of the Common-wealth, which (to speake onely of the vnder officers) are the Iustices of the peace, Constables, & such like, as may Tenants of a Mannor speake against the surueying of their Lands within the same.

Far. That were strange: for by the one, the whole state of the Kingdome is kept in peace, and by the other, many millions disquieted, that might liue quietly in their Farmes, Tenements, Houses and Lands, that are now daily troubled with pour so narrow looking thereinto, measuring the quantity, obseruing the quality, recounting the value, and acquainting the Lords with the estates of all mens liuings, whose auncestors did liue better with little, then we can doe now with much more, because by your meanes rents are rayſed, and Lands knowne to the vttermost Acre, Fines inhaunced farre higher then euer before measuring of Land and surueying came in, and therefore I thinke you cannot but confesse, that other men, as well as I, haue good cause to speake of you and your profession, as I doe.

Friuolous obiections against the Surucy of Lands.

Sur. I perceiue that the force of your strongest argument is, as before I said, your feare and vnwillingnesse that the Lord of the Mannor, vnder whom, & in whose Land you dwell, should know his owne: and that you thinke it better for you, that he should continue still ignorant of what he hath, and that your estates should bee alwaies hidden, and what iniury you doe should be concealed, then that he should be acquainted with what you hold, and your abuses, incroachments, vsurpations, intentions, and wrongs discouered.

The faulty are afraid to be seene.

Far. Yet, we acknowledge that the Lord ought to haue his rent, and that is all, and our seruices at his Courts, but the Land we haue, is our owne.

Sur. Howsoeuer you may account them yours, yet the Lord hath such an interest and propertie in them, as he

he may also call them his, nay, I may say, you are not in such sort your owne, but next vnder the King, you may be said to be the Lords. Tennants may be said to be the Lordsmen.

Far. *Fye vpon you, will you bring vs to be slaues? neither lawe, nor reason, least of all religion, can allow what you affirme, and therefore as I before conceiued, so I may now protest, that you, and such as you are, are euen the cords whereby poore men are drawne into seruitude and slauery, and therefore I say againe, it is pitie any of you haue any imployment in the Common-wealth.* A rash censure

Sur. What Sir, because I say you are in some sort the Lords? I tell you, that I mistake it nothing at all; for as the King is Supreame head and Prince, and defender of all his Subiects, so vnder the King is euery Lord of a Mannor chiefe and head ouer his Tennants, namely, ouer such as hold of him: And he hath a kinde of commaund and superiour power ouer them, as they are his Tennants, and for that cause he is called, and they doe acknowledge him to be their Lord. And what doth the word Lord import, but a ruler or gouernour? If hee bee your Lord, then are you his, to be gouerned in causes determineable within the Mannor, and as I will hereafter proone, the Lord of the Mannor may commaund his Tennants to accompany him into the field against the enemies of the King, by reason of some Tenures, and they are to follow and be commanded and directed by him, and if they refuse the seruice, the Lord may distraine for it, or may enter vpon their Lands, and resume it as his owne in some case; so that I may well say, that in a sort, euen your Lands and your selues are the Lords. The vse and occupation is yours, but if the Land were so yours as were none aboue you, you might then call it yours: but so is none but the Kingdome which the King holdeth

The Lord of a Mannor, vnder the King, is head of his Tennants.

A Lord, why so called.

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deth of none but of God. And no man is ſo abſolute within the Kingdome, but he holdeth his Land of ſome Mannor, or perſon, or of the King. And of whom ſuch Land is holden, the ſame is called the Lord of that Land after a ſort, becauſe it is held of him by ſome kind of rent or ſeruice, and by poſſibility this Land may come vnto, and by law be caſt vpon the Lord of whom it is holden, as if you be ſo willing as you ſeeme, to talk of theſe Miſteries, you ſhall anon perceiue. And therefore you cannot but ſay, that the Land and your ſelues are in ſome ſort the Lords. And therefore is it not lawfull for the Lord of the Mannor, to enquire and examine of the things in thoſe kindes belonging vnto him? And if there be cleane and plaine dealing among Tennants, they need not feare who looke into their lands and eſtates. But if there be deceits and wrongs againſt the Lord, policy willeth you to baniſh any man, and to barre all the meanes that may diſcouer them, though equity and honeſty be contented to diſcouer all things, to the manifeſtation of truth. Are not theſe the matters of chiefe importance that diſquiet you? The meaſuring of your Lands, the obſeruation of the quality, and eſtimating the value of your Lands.

The innocent need not feare to be looked into.

Far. **It is true: for theſe are the cauſes our rents are increaſed, and our Fines rayſed, and this would the Lord neuer doe, if ſuch as you did not inkindle the Lords deſire, by your two ſeuere ſcrutations, examinations, impoſitions, and imputations: for were the Lords of Mannors ignorant of theſe things, as in former times, poore Tennants might haue things at the rate they had in former times.**

Sur. My friend, if I compare you to a dead image, be not offended, for I perceiue you haue eyes to ſee, and yet you ſee not, you haue a heart to vnderſtand, and yet your vnderſtanding is amiſſe.

Far.

Far. I am beholding to you Syr, to make me worse then a beast, for a beast hath the things you say I want: how proue you what you haue said?

Sur. Because you impute your great impositions vnto the act of an honest Surueyor, when I will assure you and prooue, that the cause is in, and of your selues.

Far. Then indeede you might account vs brutish, if we would worke our owne woe.

Sur. I perceiue, though you may be a good worldly Farmer, you are but a meane obseruer of the course and carriage of things passing daily vnder your nose. He that hath seeing eyes, and an vnderstanding mind, may easily see and perceiue, that there is no Mannor, nay, no Farme be it great, or little, farre off, or neere hand, but hath been and daily is discouered, by priuate intelligencers, lurking in or neere the same, prying into estates, ayming at the quantity, wide, short, or ouer, seldome hitting right, obseruing also the quality, and glauncing at the value of euery mans Land, and thereof secretly and vnder hand doe informe the Lords of the Farme, and they being credulous ouermuch, and not a little couetous, build their demaunds both of Rents and Fines, vpon these most deceiueable informations, whereby the Lord is abused, and the Tennant wronged: whereas were the things seene, viewed, and surueyed by a iudicious & faithfull Surueyor, who vpon due consideration, and discreet obseruation of all particulars, giues in a true and indifferent certificate vnto the Lord, vsing rather his vttermost indeuour to moderate and mittigate the Lords excessiue demands then aggrauating the validity beyond reason or a good conscience, you would be of another minde, and I protest, I hold that Surueyor a very bad man, that will either for affection or bribe, carry a partiall hand betweene the

Priuate intelligencers and not honest Surueyors, giue false informations to their Lords.

The course of an honest Surueyor.

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Lord and his Tennants; yet ſith he holdeth as it were the beame of the ballance, he ſhould rather giue the better waight to the weakeſt, reſpecting nothing but a charitable courſe to be held by the Lord, for whom he trauaileth with the Tennant, againſt whom if he ſpeake not, he ſhall be often ſuſpected of the Lord to be partiall. But if there be equal conſideration on all ſides, the Lord wil beleeue the Surueyor deales iuſtly, and the Tennant reſt ſatisfied, willingly to leaue, or readily to accept, as his owne iudgement agreeth or diſagreeth with the things propounded. For this haue I obſerued, that oftentimes Tennants conſider not when they are kindely vſed, neither ſee they at all times when they are abuſed.

Officious Informers dangerous for Lord and Tennant.

Far. Truely I beleeue you in part: for indeede there are euen amongſt vs, in the Manor wherein I dwell, officious fellowes, that to procure the Lords good opinion, will pry into mens eſtates, and indeede as you ſay, into the quantity, quality, and value of mens Lands, and giue falſe information oftentimes, and I know it is a fonle abuſe, and of the two, I rather allow a true ſurney, then a falſe report: for ſuch fond fellowes as are thus buſie in other mens cauſes, are of all men leſt to be beleeued: for they ſpeake alwayes for affection or gaine: for they will extenuate the value of them they loue, or haue gaine by, and aggrauate the ſame, as their hope is of the Lords reward: all this I know without your report. But what is that to the thing you charge poore Tennants withall, that they are the cauſe of their owne hard meaſure? cleere your ſelfe of this ſlander.

Sur. That can I eaſily doe by experience, and I thinke I ſhall haue the whole world to witneſſe it for your further ſatisfaction, who cannot your ſelfe be ignorant of the ſame thing; for you haue in part confeſſed it: for the former Informers, of whom you laſt ſpake, are euen Tennants themſelues; yet I accuſe them not all, nay, I excuſe

excuſe none in particular: for I haue ſeene and obſerued among them a kinde of madneſſe, as I may call it, but in the beſt ſenſe it is a kinde of ambitious, or rather auaritious emulation, wherein they ſtriue one to out-ſtrip another in giuing moſt: as where my ſelfe haue had buſineſſe of this nature; namely, of letting, ſetting, or ſelling of Land for yeares or liues, being, or neere being determined, in Farmes or other like, whereby the Lord hath beene at liberty to diſpoſe thereof at his will, for beſt aduantage, by choyſe of a new Tennant, Proclamation to that effect hath beene made in open Court, where I haue ſeene, and it is daily in vſe, that one wil out-bid another, in ſo much as I haue wondred at their emulation, and could not haue asked what they haue rayſed it vnto themſelues. And ſhould any that is in authority in this caſe (who in duty is not to hinder the Lord) or the Lord himſelfe, inhibit ſuch hot ſpirits to climbe as high for the Lords aduantage, as the ladder of their owne will, and ſuppoſed ability will willingly carry them? This is not as one Swallow in a Summer, but they are many, and euery where Winter and Summer, and yet are other men accuſed and condemned for them & their faults, if their will (though wilfull) be a fault: but I ſhould thinke it greater madneſſe for a Lord, wilfully to refuſe what is ſo voluntarily offered, and ſo willingly giuen. Now, who is the cauſe of rayſing Rents and Fines?

Tennants ſtriuing in lowing and bidding, inhanceth Fines and Rents.

Far. I know, ſuch rath and ouer-forward men there are in the world not a few, almoſt in euery Mannor, who are eſpecially pricked forward to this emulation through enuy and anarice, hauing meanes to atchieue their deſires. But this bidding and out-bidding is in things, wherein the Lord is at his liberty to take a Tennant whom he liſt. But in cuſtomary tenements of inheritance the caſe is otherwiſe, where the

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Rent is and the fine (for the moſt part) certaine, what needs the Lord haue this ſurueyed, or any free-hold Lands?

Sur. It is fit the Lord ſhould know what his Tennant holdeth, be it free or cuſtomary, though at this day there be a needleſſe niceneſſe in ſome free-holders of Mannors, who ſeeme to conceale their eſtates, and to kicke againſt the view of their Lands: but if they knew what they did, they would reforme that errour.

Far. Call it you an error, for a free-holder to refuſe to ſhew his eſtate to the Lord, or not to ſuffer his land to be ſurueyed?

Sur. I may well ſo call it; nay, I may call it a great fault, or an iniury done againſt the Lord, and hurtfull to himſelfe. There is none (it may be you know it) that holdeth Land of a Lord, but he holdeth the ſame by ſome kinde of Rent or ſeruice, and when he comes to take vp his Land after the death of his aunceſtor, or vpon purchaſe, but he doth or ought to doe homage and fealty, or one of them, vnto the Lord of whom he holds it: the doing whereof, how ceremonious it is, if you be a Tennant to any ſuch Land, you know, and wherein he maketh a ſolemne vow and oath, to be true Tennant vnto the Lord for the Land he holdeth. And ſomtimes the Tennant of ſuch a Tenure, is forced to be ayded by his Lord for the ſame Land, if he be impleaded for it: now, if ſuch a Tennant refuſe to ſhew his eſtate, or to permit his land to be ſeene, how performeth he his oath, to be true Tennant, and to doe ſuch ſeruices as are due vnto the Lord? among which, this, of permitting the Lord to know his owne, is not the leaſt, nay, he ought by his oath of fidelity, to further it by all meanes, both by his proper knowledge and euidence, not onely his owne, but other mens lands, and thereby he ſhall not onely not preiudice himſelfe, but he ſhall fortifie his title ſo much the more,

Homage and fealty by free-holders.

by

by hauing his euidence enrolled, and his land recorded in the Lords booke of Suruey, that when his heire ſhall take vp the land, or he alien the ſame, it appeareth that he is true Tennant vnto ſuch lands, for ſuch rent, and for ſuch ſeruices: but there be ſo many ſcruples thruſt into mens heads, by ſuch as haue a pretended skill in matters of policy in this kinde, and Lords of Mannors haue beene ſo remiſſe in taking knowledge of the things in this manner appertaining vnto them, that queſtions of Titles and Tenures are daily had and moued, to the great trouble oftentimes both of Lord and Tennant, as is ſeen by experience daily, as well of land holden of the King, as of inferiour Lords, which may be reconciled, if Tennants were not too curious, and Lords too negligent. Beſides this, there are other reaſons to moue the Lord to know what Land is holden of him, and by what title, rent, and ſeruice: for free-holders may forfeit their land, and their land may eſcheat vnto the Lord: if then he ſhould be ignorant what land it is, where it lyes, and how much it is, he may be eaſily abuſed for want of records: and ſo are many Lords of Mannors, who for want of due knowledge of their Tennants, and of their land and Tenures, other men are intituled to their right.

A needleſſe nicenes in free-holders to ſhew their deeds and Lands to the Lord, or his Surueyor.

Some Lords too remiſſe in ſurueying their Land.

Far. **You haue ſaid more then I heard or dreamed of, and it holdeth in ſome ſort by reaſon, how it is by Law I cannot diſpute; but in all that you haue ſaid, you haue not ſatisfied me in the thing before I ſpake, touching the fines of cuſtomary Tennants of inheritance, which (as I ſaid before) haue been of late rayſed farre higher then in former times, by your Surueyors.**

Sur. You ſtrike alwaies one ſtring, & I find the ſound of your meaning: you would alwaies be as eaſily charged in your Fines as might be; and in that I blame you not, it is euery mans caſe to beare as light a burthen as hee can,

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can. But if you remember what I ſpake before, touching the cauſe of this rayſing of Fines, where I proued it came moſt by your owne meanes, you may be the ſooner ſatisfied in this, for it is in nature like the former. Although this kinde of Tennant hath ſeldome any competitor, to emulate his offer, becauſe the Tennant leaueth commonly one either in right of inheritance, or by ſurrender to ſucceed him, and he by cuſtome of the Mannor is to be accepted Tennant, alwaies prouided, he muſt agree with the Lord, if the cuſtome of the Mannor hold not the Fine certaine, as in few it doth: now this compoſition is commonly made by demaund of the Lord, and offer of the Tennant. The Lord aſketh according to his conceit of the value of the thing, and either his knowledge muſt ariſe by his owne experience, or by information: the information is either by ſecret intelligence of ſome officious neighbour, or by due iudgement of an indifferent Surueyor, namely, ſuch a one as carrieth equall reſpect to Lord and Tennant. And although, as you alledge, former times did afford Tennants more fauour in rating and arbitrating Fines, as you ſuppoſe, if you conſider it well it is now as then it was.

Information hurtful in Fines of Land of inheritance cuſtomary.

Far. **You much miſtake it: for I will ſhew by ancient Court roles, that the Fine of that which is now twenty pound, was then but thirteene ſhillings and foure pence, and yet will you ſay they are now as they were then?**

Sur. Yea, and I thinke I erre little in it. For if you conſider the ſtate of things then and now, you ſhall find the proportion little differing: for ſo much are the prices of things vendible by Farmers now increaſed, as may well be ſaid to exceede the prices then, as much as twenty pound exceedeth thirteene ſhillings foure pence.

Former Fines and Rents, and the preſent, not vnequall.

Far. **You ſpeake farre from truth, and I maruaile you will**

will erre so much, pretending to be a man of that reach, that men imploy you to ouer-reach others.

Sur. To shew you then an instance, looke into the Chronicle in the time of *Henry* the sixt, & you shal find, that a quarter of Wheat, was sold at Royston in Hartfordshire for twelue pence: and I trust, if you be a Farmer, you are a corne-seller, and I thinke, if a man offer you thirty times as much for a quarter, you will say it is better worth. *John Stow.* Wheat at twelue pence the quarter.

Far. Was it possible that Corne was then and there so cheape, and to rise since, to this rate? it is very strange.

Sur. Not at all: for since there grew such an emulation among Farmers, that one would out-bid another, (which in the beginning was little seen) it grew at length that he that bought deare, must sell deare, and so grew the prices of things by degrees to this rate as now they be, and a Farmer gets as much by his Farme now, as then he did. Rents of land and prices of things grow together.

Far. You erre therein, I assure you: for else could Farmers keepe as good houses and hospitality now, as they did then, and alas, you see how vnable they be.

Sur. It is true, and the reason is manifest: for where in those daies Farmers and their wiues were content with meane dyet, and base attyre, and held their children to some austere gouernment, without pride, haunting Alehouses, Tauernes, dice, cards, and vaine delights of charge, the case is altered: the Husbandman wil be equall to the Yeoman, the Yeoman to the Gentleman, the Gentleman to the Squire, the Squire to his superiour, and so the rest, euery one so far exceeding the course held in former times, that I will speake without reprehension, there is at this day thirty times as much vainly spent in a family of like multitude and quality, as was in former ages; The causes why things haue growne to this extremity.

whereof

whereof I ſpeake. And therefore impute not the rate of grounds to a wrong cauſe, for to tel you truly, both Lord and Tennant are guilty in it: and yet they may be both content, for they are as the Sea & the Brookes: for as the Riuers come from the Sea, ſo they run into the Sea again.

Vnskilfull Surueyors vnneceſſary.

Far. To tell you truely, you haue ſaid more then I haue heard, and indeede it ſtands with ſome reaſon: and you haue in part ſatiſfied me, that the cauſe of our complaint is not ſo grieuous, as I and infinite other haue ſuppoſed it: Yet to tell you, as I and others haue found, there be ſome of your profeſſion haue either none at all, or little, or very hard conſciences, and for the moſt part ſuch as haue leaſt ſkill, and ſuch indeede I thinke vnneceſſarie for Lord, or Tennant: for they cannot but abuſe the one or other by their reports: and the records which they make, may breede quarrell many yeares after. And therefore as the Surueyor is a member (as you hold) not onely tollerable, but neceſſarie, I wiſh there were fewer, and they honeſt, iuſt, and ſkilfull: for to tell you truely, we haue thought among vs Countrymen, that there are more then can be imployed, as it ſeemeth by their publique declarations of their want of worke: for as I haue paſſed through London, I haue ſeene many of their Bills fired vpon Poſts in the ſtreetes, to ſolicite men to affoord them ſome ſeruice: which argueth, that either the trade decayeth, or they are not ſkilfull, that beg imployment ſo publikely: for, *vino venditili ſuſpenſa hedera non eſt opus.* A good workeman needs not ſtand in the ſtreetes or market place.

Surueyors Bills vpon poſts in London.

Sur. I confeſſe, in this you haue ſaid truely: for none that is indeede fit for imployment, will, or needes to craue it, in ſuch manner, for they will be ſought vnto and ſolicited. But euery one that hath but a part of the Art, nay, if he can performe ſome one, two or three parts, is not thereby to be accounted a Surueyor, as ſome Mechanicall men and Country fellowes, that can meaſure a peece of Land, and though illiterate, can account the quantity

The perfection of a Surueyors office conſiſteth not in one part.

quantity by the parts of money, as a penny to a pearch, a groat to a dayes worke, ten groates to a Roode, and consequently, a marke to an Acre, which manner of casting sufficeth, and satisfieth them in their smal accounts, but the manner of their measuring, is often erronious, as I will shew you hereafter, if leysure serue. Some haue the skill of plotting out of ground, and can neatly delineate the same, and by Arithmeticke can cast vp the contents, which is a necessary poynt of a Surueyors office, but not all.

Far. **Hauing your tale dyd, we poore Countrymen doe not thinke it good to haue our Lands plotted out, and me thinks indeede it is to very small purpose: for is not the field it selfe a goodly Map for the Lord to looke vpon, better then a painted paper? And what is he the better to see it laid out in colours? He can adde nothing to his Land, nor diminish ours: and therefore that labour aboue all may be saued, in mine opinion.**

Sur. They that speake at any time against any thing done, or propounded to be done, doe either shew their reasons against it, or else they conceale their conceits, and without any good argument, inueigh onely against the thing: And I know your meaning in misliking plotting of your Land, & yet you vtter not what you think: for a plot rightly drawn by true information, describeth so the liuely image of a Mannor, and euery branch and member of the same, as the Lord sitting in his chayre, may see what he hath, where, and how it lyeth, and in whose vse and occupation euery particular is, vpon the suddaine view; which Tennants mislike, not that the thing it selfe offendeth them, but that by it they are often preuented or discouered of deceitfull purposes: For a Tennant that is both a free-holder & a copy-holder for life,

A plot of Land necessary.

life, or by indenture for life or yeares, holding these lands intermixt, may easily (vnlesse the Land for life or yeares, be very especially butted and bounded in their copies or leases, as seldome they are, through the sloath of some stewards, or for default of a true suruey to guide them) appropriate vnto himselfe copy or leased land for free, and especially hauing time enough to alter names and properties, to remoue meeres, and to cast down ditches, to stocke vp hedges, and to smoother vp truth and falshood vnder such a cloake of conueniency, as before it be suspected or found out by view, it will be cleane forgotten, & none shall be able to say, This is the Land: whereas if it be plotted out, and euery parcell of free copy leased, and the rest be truly distinguished, no such trechery can be done against the Lord, but it shall be most readily reconciled. And I dare presume to say, that the want of due plots and discriptions of Land in this forme, hath beene the occasion of infinite concealements, and losses of many mens Land, and many intrusions and incrochments haue been made, and so long continued, that now neither memory or record can reforme them; besides infinite other abuses, which are daily done, to the preiudice of Lords, for want of such a monument to be alwaies at hand for their instruction.

Great abuses that grow by Farmers and Tennants that are free-holders

Want of plots of Land preiudicial to Lords.

Far. You ayme vnhappily, I thinke, to some mens purposes: but for my part, I promise you I had no such thought in me, and yet what you say, may indeede be easily wrought in most Manors, if they be as the Manor is wherein I am a Tennant: for I am perswaded, there hath not beene any view taken of it, or perambulation made, or surney had within the memory of any man aliue. And to tell you truely, I thinke the Lord hath much wrong both by his owne Tennants, and by confining Lords: for so the Lord haue his rent,

rent, and his other duties of vs, he is contented: but I may tell you, if he did better looke into it, it would be better for himselfe and his hercafter, yet we wish he would let it rest as it doth, for we may doe in manner what we list, and if a Surueyor come, we shall not doe as we haue done, nor hold that that some haue held long without any trouble: but that I leaue. Then you say, that plotting is the chiefe part of a Surueyors skill.

Tennants commonly wish not for Surueyors.

Sur. I say not so, but I say it is necessary for him that is a Surueyor, to be able to doe it, and that he be painfull and industrious, and hauing this quality with the rest more necessary, he may be then called a Surueyor.

Who is a Surueyor.

Far. What are they I pray you?

Sur. To little purpose I thinke I shall tell you, yet because you may know that euery one that hath the name, is not indeede a Surueyor, for besides the former faculty of measuring and plotting, he must haue the vnderstanding of the Latine tongue, and haue some sight in the common Lawes, especially of Tenures and Customes, and must be able to reade and vnderstand any ancient deeds or records, French and Latine, and to iudge of the values of land, and many other things, which if time will permit, I will hereafter declare more at large vnto you.

What a Surueyor must be able to doe.

Far. Why is there such a precise knowledge required in a Surueyor?

Sur. Because they are imployd in such businesses as concerne greatest persons in their estates: for although men be indowed by the prouidence of God, and of his bounty, with honors, Mannors, Castles, Houses, Lands, Tenements, Woods, and other like reuenues, which indeede are the sinnewes and ligaments which conioyne and tye honor and habilitie together, yet if these be not managed, guided, and carefully continued and increased by a discreete and honest Surueyor, for, and in the name and

Reuenues the sinewes of Honour.

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and behalfe of his Lord, and the Lord againe proportion his expence and charge, according vnto or within the compaſſe of his knowne incomes, the Lord may be diſabled to maintaine that which he hath gotten, the title of honor; and where honor is without meanes, it wanteth the ſubſtance, and hath onely the ſhadow of it ſelfe to delight in.

Far. It behoues not onely men of Nobility, but inferior men alſo to looke vnto themſelues, for the preſeruation of their eſtates, but they indeede that haue but little may quickly view it: *Sufficit exiguo ſtrigilatio curta caballo.* But he that hath many Honors, Mannors, Lordſhips, Tenements and Farmes, cannot him ſelfe take view of them all with eaſe: for indeed they lye for the moſt part diſperſed in many parts, and they muſt be aided by the ſkilfull & induſtrious trauaile of ſome iudicious Surueyor, who finding by his view and examination, the true values and yearely poſſibilities of his Lords Lands, may be a good meane to retaine his Lord within compaſſe of his reuenues, and to worke him to be good to his Tennants, and by that meanes the Surueyor ſhall deſerue praiſe, and his Lord winne more honor. But I maruaile how ſuch great perſons did before Surueying came vp: for this is an vpſtart Art, found out of late, both Meaſuring and Plotting.

A diſcreet Surueyor may be a good meane to manage the Lords reuenues

Sur. You ſpeake I thinke, according to your conceit, but I will proue it far otherwiſe, that meaſuring, plotting, and ſurueying hath beene vſed in all ages of old. As for deſcription, it was vſed in Egypt by *Ptolomy* the King, who deſcribed the whole world. And where the Riuer *Nilus* in Egypt ouerflowed the banckes (as at this day it doth about harueſt) the violence of the inundations were ſuch, as they confounded the marks & bounds of all the grounds that were ſurrounded, in ſuch ſort as none knew his owne land: wherevpon they deuiſed to meaſure euery mans land, and to plot it; ſo that afterwards

Plotting of Land, and meaſuring, is very ancient.

wards alwaies at the waters receſſe, euery man could find out his owne land by the plot.

Far. Truely that was a moſt excellent inuention, and I thinke it indéede a moſt neceſſary courſe to be held in ſome grounds that I know in England, which are ſubiect to like confuſion: many Marſh lands néere the ſea coaſt in Kent, Suſſex, Eſſex, Suffolke, Lincolneſhire, Cambridgeſhire, and other Shires confining the Sea, or ſubiect to great waters, and if they were thus plotted out as you ſay, I muſt néedes confeſſe it were a good worke, howſoeuer theſe kindes of grounds ſhould be hereafter ſurrounded, increaſed or diminiſhed by the force of the Seas continuall rage, whereunto they are daily ſubiect, for by that meanes, if the ditches, which are the ordinary méeres, metes and bounds betwéene ſeuerall mens lands, be confounded, this diuice might after the winning of theſe ſurrounded grounds againe, truely reconcile them, and alot euery man his owne, which otherwiſe will be impoſſible to bring to true appropriations. And this in my conceit, is not the leaſt part of your profeſſion, to lay out grounds in their true formes, that euery ſeuerall parcell may be diſtinguiſhed from other: for I know where great ſtriſe hath riſen by confounding one Manor with another, where the Sea hath won and loſt ground, and deuoured the true bounds, of which I am not alone witneſſe, and it is daily ſéene, that queſtions doe ariſe by like caſualties, where Townes, Houſes, Fields, Woods, and much Land hath béene and are daily deuoured, and in ſome places augmented, Riuers by force turned out of their right courſes, vpon other confining lands: wherof time hath taken ſuch hold, as the truth is now brought in queſtion, to the ſtirring vp of quarrels betwéene parties, which if theſe places had béene formerly laid out in plot, the doubt would be eaſily anſwered. In theſe things I cannot but agrée with you, that your profeſſion may ſtead men that haue vſe of your trauaile in this kinde, although no ſuch art hath béene vſed, nor is it reported to haue had any vſe in the word of God.

Grounds ſubiect to ſurrounding, fit to be plotted.

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Sur. Is there a neceſſity to produce the vſe of this, from examples out of the word of God, when theſe indifferent things are left to the diſcretion of man, for matters of politicke and ciuill ſociety? If euery profeſſion ſhould be driuen to fetch authority from the vſe in ſacred things, many things plentifull amongſt vs that liue in a Common-wealth, would be found prophane: but becauſe you ſeeme to vrge it, I will not ſticke to let you know, that it is not without example in the old Teſtament. If firſt you will haue the proofe of meaſuring, look into the 2. Chap. of *Zacharie*, and there ſhal you find, that the Prophet reporteth, that *he ſaw a man with a meaſuring line in his hand, and he asked him whither he went? and he ſaid vnto him, To meaſure Ieruſalem, that I may ſee what is the bredth thereof, and what is the length thereof.*

Euery matter in moderne vſe among men, cannot be proued to haue had vſe in holy Scriptures.

Far. **I doe remember now that I haue read ſuch a thing indéede, but as I take it, this meaſurer was an Angel of God.**

Sur. Then is the warrant of meaſuring ſo much the more ſtrongly confirmed vnto men. But you may perceiue that meaſuring was then in vſe in other things: for had not therebin thevſe of the meaſuring line before, how could the Prophet haue known it to be for that purpoſe?

Far. **Yes, being a Prophet.**

Sur. He could not haue called a thing by it proper phraſe (to the vnderſtanding of other) that had not been in vſe before, neither could his relation therof haue been vnderſtood of them to whom he declared it, vnleſſe they alſo had before knowne the like.

Far. **Can you proue the like of Surueying?**

Sur. Ioſhua commanded the children of Iſraell, that euery Tribe ſhould chooſe out three men, that he might ſend them through the land of Canaan, to view, ſuruey and

and to describe it: for so is the word, *Yee shall describe the land into seauen parts, and bring them hither to mee.* And what description could they make, without viewing and surueying the places?

Far. It is true that you say, such a view was taken at that time, that euery Tribe might haue his portion of inheritance. And surely in these Surueyors was much trust repoſed by Ioshua, the chiefe head of the children of Israell: for according to their report, did Ioshua deuide to euery Tribe his portion. This surely was a worke of great discretion and iudgement in the Surueyors, and great prouidence in Ioshua: for indeede he could not trauaile in all those parts himselfe, and therefore he did wisely to appoint such as were fit to performe the seruice, and it makes me remember your former defence of the profession, in trauailing for great persons, who cannot afford time nor paines to view their owne Lands themselues. And it is not euery mans gift to be able to deuide Lands into equall, or certaine vnequall parts, that men that are parties therein, may hold them equally dealt withall, vnlesse it be such a one as hath skill in deuiding and apportionating, which thing comes often in vse among men in this common-wealth. And further authorities, or better warrãt then these you haue produced, for my part I will require none, vnlesse you can and will voluntarily shew some later examples within our owne kingdome, done in our forefathers times, for I like not nouations & new deuices that our forefathers haue not seen or done.

Ioshuah 18. Surueying proued by Scripture.

Euery man cannot equally diuide Lands into many parts.

Sur. If you had time and experience to looke into, and to vnderstand what hath beene done concerning this matter long agoe, you should find in the records of the *Tower*, euen before the Conquest, matter to satisfie you, that this profession was then in vse, and there shall you finde the fruits. And since the Conquest, the booke called *Doomes day*, lying in the *Exchequer*, will confirme you I thinke sufficiently, that it is not as you say a new inuention. Beside, the same art hath beene in summe and

ſubſtance eſtabliſhed by acte of Parliament, and called *Extenda Manerij*: vpon which Statute, that learned Iudge Maſter *Fitzherbert*, hath written a little commodious and compendious Treatiſe: ſo that if you ſtand vpon any further authorities, I will leaue you to the preſent generall vſe thereof, which men of beſt diſcretion and greateſt reuenues doe hold and continue, and none ſpurne againſt it, but the malitious or ignorant.

3. Edward 1. *Extenda Manerij.*

Far. I confeſſe, I was lately ignorant of the things which now in part I know, but I was neuer malitious: as for the records and Statute whereunto you referre me, I beleeue you without further ſearch, and for mine owne part I am ſorrie that euer I haue ſo with others backbitten the profeſſion, and ſlaundered the honeſt profeſſors thereof: for I now doe well ſee and plainely vnderſtand, that the ſame is lawfull and expedient, and not any way hurtfull vnto the Tennants, if the Surueyor be skilfull and honeſt, and his information (giuen by skilfull and willing aſſiſtants, which are the Tennants themſelues) be true, and his helpe of the Lords records ready: for theſe are the two pillars, vpon which a Surueyor muſt of force build his worke, information and record, as I take it, although record be alwaies preferred before verball intelligence, yet if records be neuer ſo autentique and true, of things vnknowne to him that hath the examination of them, what can be effected or done but as by a blinde man that knoweth his face is to his way, but how and where to ſtep he is vncertaine: and although he deſire none to beare him, becauſe his legs are ſound, yet he will not refuſe to be led by the hand the way he would goe. So a Surueyor, in my poore opinion, that hath a bundle, nay a whole truncke full of records of ſeuerall tenements, and parcels of land, whoſe names he can reade, whoſe buts and bounds he can relate, but yet he ſees not the way of himſelfe to goe to them, or can ſay without direction, This is this or that peece of land, and therefore I know, that Tennants muſt giue ayd to a Surueyor, or elſe he will faile, though not in his art yet in the truth of his worke.

The Lords Records and the Tennants informations, are the pillars of a Suruey.

Sur.

Sur. You haue ſaid well, and it appeareth your apprehenſion is good in this buſineſſe, and indeede the ayd of the Tennants is a good helpe in this caſe, eſpecially when records are alſo preſent: for if record and their information concurre, then is the Surueyor in the right way. But many times if the Surueyor cannot helpe the Tennants by his records when they are at fault, hee ſhall hardly find which way his game goes: for a skilfull Surueyor carrying his record in his hand, in his perambulation of a Mannor, ſhall after the firſt entry be able to guide himſelfe, and goe from place to place, from field to field, euen by his owne euidence, if they be truely made, and the buts and bounds right, eſpecially if the names continue vnaltered, & that the Tennants can auow it as he citeth it, and nothing then is to be altered, but the names of owners, who change often. And for this buſineſſe, the fitteſt men to accompany the Surueyor abroad are the moſt auncient, and longeſt inhabitants within the Mannor, for the Surueyors inſtruction, and the yongeſt, to the end they may alſo learne to know the like, to giue like ayde by their experience to poſterities.

The Surueyor by the Lords records may in ſome things guide the Tennants.

The auncienteſt Tennants fitteſt to guide the Surueyor.

Far. **We thinke it were a good courſe (if I be not too ſawcy) that a Surueyor ſhould after his perambulations made, and the particulars entred, publikely read the ſame before the Tennants in open Court, to the end that they may approue or reproue what is true or miſtaken, for the beſt may erre in ſetting downe of many things.**

Sur. I like your aduice well, and ſurely he that doth not ſo, and compare it alſo with former records, doth not as behoooueth. But I know, and haue found by triall, that Tennants thinke it a hard impoſition, once in their life time to attend ſuch a buſines, they had rather doe any worke, then to doe their Lord ſeruice, & themſelues this

Tennants vnwilling to accompanie the Surueyor.

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this good: for many of them are ſo wiſe in their owne conceits, as they thinke them fooles that giue any aſſiſtance vnto this worke: and ſome ſo wilfull, that if they knew that they and theirs ſhould be for euer benefited by it, they will ſtand aloofe, and any ſmall occaſion of their owne will eaſily withdraw them from it: and ſome againe are ſo worldly, that they thinke no day well ſpent, but that is ſpent vpon their preſent profit: & laſtly, ſome are ſo giuen to their vaine delights, as neither loue of their Lord, or feare of forfayture of their Tenements, or doing good to their neighbours, or ſecuring their poſteritie, can get any duty in this behalfe to be done by them.

Far. **As farre as I conceiue, the Lord of a Mannor may force his Tennants at ſuch a time, to giue their attendants: elſe you may well thinke, not a few would finde excuſes enough to abſent themſelues.**

Sur. You ſay well, and therefore hath the Law prouided a puniſhment for thoſe that will not doe their duties in this, or in any thing that the Lord hath to doe within his Mannor, for ordring of his Tennants. And becauſe Tennants ſhould not be forgetfull of their duties, they were in former times, and may be ſtill ſummoned to the Lords Court euery three weekes at this day. And the Lords remiſſneſſe in calling them, hath bred in many places a kinde of contempt, whereby groweth their ſlackneſſe in times of their Lords ſeruice. But the Lord of a Mannor hath power to puniſh them, and they are remedileſſe without ſubmiſſion, if the paine be within the compaſſe that the Court will beare, which is large enough to weary him that is moſt arrogant.

The Law puniſheth Tennants that will refuſe to aide him in his Surucy.

Far. **You haue ſatiſfied me in many things whereof I doubted, you haue cleared the profeſſion it ſelfe of many ſlaunders, and for my part I will henceforth ſpeake more ſparingly,**

ringly, and aduiſe ſuch as I heare to forward to be better aduiſed. And were I perſwaded fully, that I my ſelfe might be a Surueyor, and yet retaine a good conſcience, I would wiſh I were alſo capable of the ſame faculty.

Sur. And if I were perſwaded, that you would giue an indifferent eare, and afford an impartiall cenſure of what I would deliuer vnto you, I could be contented to beſtow ſome time, to ſhew you what were fit to be done, to the attaining vnto ſuch a meaſure of knowledge in the ſame, as might inable you to ſteed your ſelfe and your friends in that kinde of office.

Far. I would thinke it well, if I could attaine but to ſome part of this faculty, I would leaue the reſt to better capacities: but my deſire is farre from it, if I may not be aſſured that the practice is lawfull, for I would deale with nothing, wherein I might ſtand fearefull that God alloweth it not. A good minde.

Sur. I like you wel, I wiſh him that you ſeem to feare, to fauour all your honeſt deſires, and mine, and that his bleſſing may follow euery our good indeuors: for whoſoeuer vndertaketh any profeſſion, be it neuer ſo lawful or expedient and neceſſary for Church or Common-wealth, and hath not the grace and fauour of God to guide him, he may for a time ſeeme to proſper in it, and to flouriſh and ruffle it out with ſhowes of great bleſſednes, but it is but like *Ionahs* Gourd, that grew vp in one night very great & faire, but withered the next morning. No profeſſion without the feare of God can proſper.

Far. That I thanke God I haue learned, and to tell you truely, for my part I had rather liue in a meane eſtate in my calling, free from bribery, extortion, and wrong, ſeruing God, then to get infinite wealth thereby: yea, although not the world, but mine owne conſcience can reprooue me for it: for I ſee ſuch riches continue not many generations, neither hath it a promiſe of any bleſſing, although I know, that they that can ſo riſe and flouriſh, and braue it out, are the men beſt The braueſt is accounted moſt skilfull.

accounted of: for they are held wise and politique, and to haue skill in their profession, whereas others that beare not the minde to deale corruptly, cannot keepe way with them in shew, and thereby are condemned to be simple fellowes, and their honest carriage and meane rate in the world, maketh their ability to performe what they vndertake suspitious: yet had I rather of the two, chuse the last, howsoeuer my reputation or imployment be regarded in the world.

The simply honest, most suspected.

Sur. You are in the right way of a good conscience, which is a continuall feast, such a feast, and of such sweetnesse, as the world cannot see or vnderstand the same, but happy is he whose conscience accuseth him not: for howsoeuer men may seeme to set a good face on euill actions, as if he could not accuse himselfe by his due examination of his owne heart, yet it will come to passe that his conscience will one day bewray it, to his intollerable terror, and he shall be forced to accuse, iudge, and condemne himselfe, without any further witnesse. And this I tell thee is the end of all such as feare not God, and liue not vprightly and iustly in their callings: for it is not the calling it selfe that corrupteth the man, but the man may be corrupted in his calling; and abuse his best profession: therefore I say, see that thou find thine inclination apt vnto this profession, and in thy desire thou tremble not to attempt the same, for some professions are more natural then others to euery man, and all mysteries and sciences whatsoeuer, are attained by some with greater facility and ease then by others: and some by smal industry, study, and endeauour shal attaine quickly to that perfection in some faculty, wherein another shall neuer excell, liue he neuer so long, and be he neuer so studious and painefull.

Though the wicked seeme not to see their owne errors, God seeth them, and will discouer them.

Some are naturally inclined to some profession

Far. I finde mine inclination in conceit, pliable vnto this course

course of life, how it will succeede, must be seene by practice: but that is the least doubt, all my feare is, whether I may doe it and yet serue God?

Sur. Know this that if thou bee already of a godly conuersation, hauing the true feare of God sealed vp as it were in thine heart, and dost not desire this profession, as *Simon* the Magician did, for lucres sake, only as he desired diuine knowledg, thou mayst assure thee, this profession will not hurt thee, although the workeman is worthy of his hyre: for none wil force thy labour for nought, *operarius dignus mercede*, and *dulcis labor cum lucro*. If men did not get by their honest paines, it were meere slauery to vndertake any kind of faculty. But to come to the lawfulnes of it, know, that it is the manner of the execution, and not the matter of the profession that woundeth the conscience. Euery man is not borne nor bound to one faculty or trade, neither consisteth the common wealth of one member, but of many, and euery one a seuerall office, too long to expresse them all in kinde. Is not the eye Surueyor for the whole body outward, aud the heart the searcher within? and hath not euery common wealth ouerseers of like nature, which importeth as much as Surueyors? And is not euery Mannor a little common wealth, whereof the Tenants are the members, the Land the body, and the Lord the head? And doth it not follow that this head should haue an ouerseer or Surneyor of the state and gouernment of the whole body? And followes it of necessity, that the office is vnlawfull? An vniust officer maketh not the office vniust, no more then a crabbed face impaireth the faire glasse wherein it looketh, or a duskie cloud corrupts faire water whereon it lowreth. In case of Suruey of Land, against which you haue

The manner of the execution, not the matter executed hurteth.

Surueyors of the body.

A Mannor is a little Common-wealth.

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haue ſo much inueighed, if you conſider it in reaſon, and make it your owne caſe, you will ſay perchance, the caſe is altered. You haue now peraduenture a ſmall Farme, will you be careleſſe and diſſolute of the ſtate thereof? wil you not weigh & conſider with your ſelfe what land is fit for Paſture, what for Arable, what for Meddow, and the like? And will you not command your ſeruant to view it daily, that no treſpaſſes be done therein, and to ſee vnto the hedges, ditches, fences, water-courſes, gates, and ſuch like? Will you not regard the eſtate of your Cattell, their number, health, and ſafety? And haue you not a continuall watch ouer all your ſeruants and children; and to the preſeruation of things within and without? If you doe thus in one ſmall Farme, what would you doe in many? could you ſee vnto them all your ſelfe? If you had as many Mannors, would you lie at home and receiue the rents and fines that your Tennants would bring you, without conſideration of the eſtates or values, quantities or qualities of the things for which you receiue money? And why haue you this care, or would you looke into theſe things? Is it not, becauſe it is your liuing and liuelyhood, by which you and yours are maintained? And how much the more it is neglected, ſo much the more it decayeth: & if it decay in quantity, you cannot continue equal in quality. And can you therefore thinke it a hard courſe in that Lord (that hauing his Lands which are his liuelyhood, diſperſed in diuers parts of the Realme, to which, through greater imployments of importance, he cannot perſonally reſort, if he could, it is neither for his experience, nor fit for his calling to trauaile therein) to authorize and ſend ſuch as may take view of his reuenues, and of the eſtates of his Tennants,

Priuate and meane men Survey their ſmall things euen their little Farmes.

If Reuenues decay, a mans eſtate decayes.

Great Statesmen cannot ſuruey their owne Lands.

Tennants, who are by cuſtome and law in many things bound vnto him, and that by ſuch his ſubſtitute, he may be truly aduertiſed of what he hath, and how his meanes doe ariſe, that he may proportion his charge and expences accordingly? and wherther he be abuſed by his Tennants, or his Tennants by his officers, or one Tennant by another, or the Lord wronged by confining Lords, by intruding too farre into his lands, how rents be anſwered, and cuſtomes continued, how free-holders doe performe their ſuites vnto his Courts, how his Tenements are maintained and repayred, how his Woods are preſerued, his fiſhings, fowling, and perogatiues mantayned? All which, by how much the more they are neglected and let runne without view or ſuruey, ſo much the more doth the Lord weaken his eſtate, and preiudice his heyre: wherein, it cannot be denyed, he offendeth God, deceiueth the King, and defraudeth the Common-wealth. God, in that he is careleſſe of his bleſſings beſtowed vpon him. The King, in that he wilfully diſableth himſelfe to doe him the ſeruice he oweth him in body and goods: & the Common-wealth, in that he diſableth himſelfe to giue it that aſſiſtance, that his quality and place ought to affoord: and conſequently, ſheweth himſelfe vnworthy to ouerſee matters of State and Common-wealth, that is careleſſe to ſee vnto his owne. Furthermore, where a due and true ſuruey is made and continued, there is peace maintained between the Lord and his Tennants; where, if all things reſt between them confuſed, queſtions and quarrels ariſe, to the diſturbance of both. In priuate families, if there be none ouerſee and to manage things domeſticall, what diſorders, what outrage, what vnciuill and vngodly couſes, and what ſpoyle and

The charge impoſed vpon a Surueyor.

Wherein Honourable perſons doe offend in neglecting their Reuenues.

True Surueyes continue peace betweene Lord and Tennant.

and ruine of all things doe follow? The like of neceſſity, where Tennants are left vnto their owne wils: and yet, as the vnruly company in a family could be contented to be maſters of themſelues, & to haue no controlement: So Tennants can well brooke their Lords abſence, and that they might be their own caruers, and that the Lord ſhould haue what they would yeeld of their own accord. I ſpeake not of the honeſtly minded: but where a multitude is without a guide or gouernour, there is diſorder; and diſorder breedeth complaints; and complaints are vnſauory to a kinde Land-Lord, who muſt be forced for redreſſe, to puniſh the offendors: and the moſt offenſiue will ſpeake moſt of their wrong, & will ſooneſt exclaime againſt any courſe that may keep order. So that, to conclude, I affirme, that it is moſt requiſite and expedient for due order ſake, that euery Lord of a Mannor ſhould cauſe his Lands to be duely ſeene, and truely Surueyed and certified, and once in ſeauen or ten yeares to haue it reuiewed: for the inconueniences that grow by the neglect thereof, are of ſo many kindes, & they ſo dangerous, (like the moſt perillous diſeaſe long concealed) that they worke contempt in the Tennants, and loſſe to the Lord. Now, to keepe this vpright betweene the Lord and his Tennants; I thinke you cannot deny, but a true and honeſt Suruey is neceſſary and lawfull, and may be performed with a good and ſafe conſcience, and in the feare of God: if (as I haue ſaid) the conſcience be not before ſtained with the corrupt deſire of vnlawfull gain, and (as I ſaid before) I thinke few or none wil miſlike the courſe, but ſuch as are farre gone in ſome diſeaſe of deceiuing their Lord, which cannot indure to haue this kinde of ſalue to come neere their ſore.

The faulty will firſt finde fault.

A Suruey muſt be renued once in ſeauen or ten yeares.

None miſlike true Surueyes, but deceiuers.

Far.

Far. Truly Sir, I know not how to answere you, but doe consent to that you affirme: For, for mine own part I cannot but confesse, I can finde nothing in mine experience to contradict your speech. But pitty it is that Surueyors should be ignorant or vnhonest: for the one especially abuseth the Lord, and the other wrongeth both Lord and Tennants.

Sur. But whether is there cause in your conceit, to approue or reproue the profession, as it is simple in it selfe? Deliuer your minde plainly, leaue not a scruple in the mindes of your Neighbours, that haue exclaimed with you against them that neuer offended them, reprouing as much as they durst, Lords, for looking into their owne lands: and vnlesse Lords were dead images or Pictures of men, hauing onely the name of Lords, and could not at all command their Tenants, that could neither heare, see, nor consider what were fit to be done with their owne proper Reuenewes, I cannot but wonder, that any should spurne against them herein.

Lords that will not looke to their owne Lands, are as dead Images.

Far. I thinke you speake something too forceably against Tennants in generall: for surely all are not opposite to this course, though some be.

Sur. I condemne none, but I reproue some, that of mine owne knowledge haue giuen testimony of their inward dislike, by their ontward murmurs, for what is done with an euill will, cannot be said to be done at all. Such as come chearefully to the seruice, are dutifull, and I hold it impiety to abuse them, but the vnwilling deserue little fauour.

Euill will is neuer dutifull.

Far. What should Tennants principally doe in such a businesse?

Sur. Nothing but that Law, Custome, and Duty requireth at their hands, to giue their best aide to the Surueyor, to trauell with him about the Circuit, Buts, Bounds,

What Tenants should doe in the Lords Surucy.

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Bounds, and limmits of the Mannor, to informe him of the ſame, and of euery particular mans Land, and Rent, to ſhew him their copies, leaſes and deeds, to the end he may enter & enrole them all together in a faire book, for the Lords vſe, & for a perpetuall record for themſelues.

Far. **For information, and ſhewing the particular grounds and bounds of the Mannor, indeede is fit, but for their euidences, as their copies and leaſes, the Lord hath the Court roles of the one, and counterpaines of the other: and for free-holders deedes, their Land is their owne, and whether they may be compelled to ſhew them or not, I cannot tell.**

Sur. Theſe are friuolous doubts that ſome haue formerly made, but they haue been anſwered to their coſt, for the law hath compelled them to ſhew their euidence.

View of Euidences neceſſary.

For, admit the Lord of the Mannor haue the rols wherein the Copies are Recorded, may not Copies be abuſed after their entries, or counterfeited in ſome things preiudiciall to the Lord, as may alſo the Leaſe, as hath beene found oftentimes, names and liues of men, parcels of lands, dates of years, and ſuch like, raſed, inſerted, or altered? And is it not fit therefore that they be ſeene and entered together, that without ſearch of ſo many Court rols the Lord may be ſatisfied, & the Tennants iuſtified.

Entry of Deeds conuenient for the Tennant.

And what preiudiceth it the Tennant, to haue his euidences truely recorded, if he meane plainly, be it Copy, Leaſe, or free deede? he may thinke it a confirmation of his eſtate, what caſualty ſoeuer come to the ſame, he may be the better aſſured that ſuch a record will witnes with him: whereas if none ſuch appeare, his intereſt will be the more ſuſpitious: and therefore ſuch as are wiſe and diſcreete, will not onely conſent to this good courſe, but be thankful vnto the Surueyor as behooueth. If it be iuſt and right, that the Lord ſhould know his own, and who

ſhould

should manifest it, but the Tennant himselfe? and how should he doe it, but by his euidence? And most vniust it is in that Tennant, that by any wilful or finister means or couert practise, doth either detract his fellow Tennants from the seruice, or concealeth any thing that may further the same.

Far. This I cannot deny, although indéede some busie fellowes will dissuade, and bréede a doubt herein, but I set it is to good purpose, and for our better security, to doe all things requisite in this businesse, and that all the Tennants within the Manor should conioyne in one, and euery one for himselfe, and all for one, and one for all, should séeke, examine and declare the vttermost truth of euery thing, towards the exact performance of this seruice, and that the Surueyor should know the quantities, qualities, and indifferent values of euery mans Tenement and Lands, their rents, seruices, custome, worke, and whatsoeuer the Tennant is in Law or conscience bound to yéeld or per forme to his Lord: and indéede thus much haue I heard giuen in charge at a Court of Survey, with many other articles, which are now out of my minde: all which may be done by Tennants with a good conscience, both by relation in Courts, and in the perambulation: but the concealing of these cannot stand with an honest minde in mine opinion: for these things, of themselues, cannot preiudice the Tennants, but the misconceiuing, misentring by the Surueyor, may be erronious, and the ouer-racking, vsing, & ouer-burdening the Tennants by the Lord, may be extortious. These things may fall out by meanes of an vniust and vnskilfull Surueyor, and a couetous Land-Lord. And the feare of this maketh the Tennants to extenuate the values, and to smother the truth of things, to their soules danger: therefore happy are those Tennants, that haue a gracious Lord, and an honest Surueyor: for then there cannot be but an equall and vpright course held betweene them: then cannot the Tennants but be faithfull and louing to their Lords, and their Lords fauourable to them

The Tennants duety.

What things are euill in a Survey.

The principall causes of instituting Mannors

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them,so should the Tennants be defended by their Lords,and the Lords fortified by their Tennants, which were the two principall causes of the originall foundation of Mannors,as I haue heard.

Sur. You say rightly,and I am glad to heare you conceiue so well of this apparant necessity:for so may I say, that it is of necessity that the Lord should know the full and absolute estate of his Mannor,and of euery particular thereof: for howsoeuer of late daies Tennants stand in higher conceits of their freedome then in former times,if they looke a little back into antiquity,they shall see that Tennants(for the most part)of euery Mannor in England,haue been more seruile vnto their Lords, and in greater bondage then now they are,whom the fauourable hand of time hath much infranchised, & it cannot be altogether euery where forgotten, becausе they may see as in a glasse, the picture of their seruitude in many ancient custome roles,and in the copies of their own ancestors,& many seruile works haue beene due and done by them,and in many places yet are,though the most are now turned into money: but neither their infranchisements,nor the conuersion of workes into rents, doe so farre free them,but that they still owe seruices vnto their Lords,in respect of their Tenures,as wel free-holders as customary Tennants,as both in most of their copies and deeds is expressed in these words, *Pro reditu & seruitijs inde prius debit,& de iure consuet.* Which proueth their Tenures in a sort to be conditionall: which condition if it be wilfully broken by the obstinate carryage of any such Tennant, he indangereth his estate.

Tennants are now in conceit more free then in former times

Ancient bondage.

Euery inferior estate is conditionall.

Far. It were hard,if for not doing some small seruice vnto his Lord, a man should forfait his liuing.

Sur. And it were very foolishnesse in a Tennant,for wilfull

wilfull refuſall thereof, to indanger the ſame: for if the Lord be in law tyed to maintaine the right of his Tennant, and to defend him againſt any other that ſhall pretend a falſe title vnto his land, the Tennant is againe bound to performe all ſuch ſeruices, and to pay all ſuch duties as of right he ought vnto his Lord. And it is expedient that the Lord ſhould ſee theſe duties continued, and it hath beene and is daily obſerued, that the neglect thereof extinguiſheth the remembrance of them, and ſo the Lord looſeth his inheritance: for euery ſeruice of the Tennant is parcell of the ſame, and the remiſneſſe of looking into theſe Tenures, hath brought it to paſſe, that infinite within this kingdome, that hold in fee, quillets of land, and ſome Mannors, know not how or of whom they hold: ſo that hereby Lords of Mannors, of whom theſe quillets were heretofore knowne to hold, haue loſt their Tenures and ſeruices, and ſuch as hold the land by vnknowne Tenures, are caſt into the danger, to hold to them and their poſterities further hurt.

The Tennants ſeruice is parcel of the Lords inheritance.

Diſcontinuance of ſeruice hurtful to the Lord.

Far. If Tennants will be wilfully obſtinate, and refuſe to doe and continue their vttermoſt ſeruices vnto their Lords, as bound by their Tenures, being (as you ſay) parcell of the Lords inheritance, they are worthy to be attached of diſobedience, and to pay for their contempts: and if Lords will be ſo negligent, as they will not looke vnto their owne, they are worthy to loſe their right: and therefore I hold it diſcretion in the one to doe his duty, and prouidence in the other to continue what is due: and if by age or impotency the Tennant be diſabled in perſon to performe his ſeruice, to craue diſpenſation, or to doe it by another: and if the Lord be farre off and cannot be preſent, to ſubſtitute one to receiue it for him. But Sir, in all your diſcourſe, I haue obſerued, you haue pleaded (as it were) for the Lord, againſt the Tennants, exacting ſundry duties from them to their Lords, but I haue not

Seruice of the Tennant.

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heard you ſpeak much againſt the Lords, in fauour of the Tennants, and yet I know there is a kinde of reciprocall bond of duty each to the other, and may be broken of either ſide.

Sur. It is very true; for as children are bound to their parents, by the bond of obedience, ſo are the parents bound to their children by the bond of education: and as ſeruants are bound to their Maſters in the bond of true ſeruice, ſo are the Maſters bound to their ſeruants in the bond of reward. In like manner, Tennants being bound vnto their Lords in the bond of duety, ſo are Lords bound vnto their Tennants in the bond of loue: and though I haue ſaid little at this time of the duety of Lords to their Tennants, the occaſion hath not beene offered at this time.

Lords and Tennants are bound each to other.

Far. **I truſt you haue ſaid enough concerning the duety of Tennants, for they can but pay rent, and doe ſeruice, more cannot be exacted.**

Sur. Yet rent and ſeruices are diuers and diuerſely anſwered and done, which I could be content to ſhew you more at large, but that yonder comes a Gentleman that will interrupt vs: know you what he is?

Far. **I will tell you by and by as he comes neere. Oh Sir, it is my Land-Lord, a man of great poſſeſſions, Lord of many Mannors and owner of diuers Farmes, who hath béene inquiſitiue for a man of your profeſſion, but to tell you truely, I altogether diſſwaded him before this time: but now hauing heard your reaſons, I will ſolicite him for your imployment, and I would wiſh you might vndertake firſt the Mannor wherein I dwell.**

Sur. At his diſpoſition and pleaſure be it: and ſo for this time I leaue you.

The end of the firſt Booke.

THE SVRVEYORS DIALOGVE, BETVVEENE the LORD of a Mannor, and a SVRVEYOR:

Wherein is intreated of the ſtate of a Mannor, *of the parts and profits thereunto belonging:* and how the LORD of a Mannor ought to deale with his Tennants.

THE SECOND BOOKE.

LORD.

FRiend, of late I met with a Tennant of mine, who told me you are a Surueyor of Land.

Sur. I haue beene, and am ſometimes imployed in that kinde of ſeruice.

Lord. I haue at this time ſome occaſion to vſe the aide of one of your Faculty: and I haue heard by my Tennant, that your ſkill and diligence may ſatiſfie my deſire therein.

Sur. I ſhall doe mine endeuour wherein you pleaſe to command me.

Lord. There be many, I know, that beare the name of Surueyors, but when they are put to it, they come farre ſhort of ſome principall points required in the abſolute perfor-

All that profeſſe it are not Surueyors.

mance of the worke, and either leaue it halfe done, or ſo ſhuffle it vp, as the Lord is abuſed, & the Tennants wronged, by the blinde and vncertaine returnes of the Surueyors trauailes: for a Lord of a Manor knoweth not, but by ſuch as he vſeth therein, the eſtate of things, and how the particulars ſtand betweene the Lord and his Tennants. If the Lord of the Manor haue neuer ſo good a minde to deale well with his Tennants, and the Tennants be neuer ſo inclinable to doe true duty to their Lord, they may be both miſled by an vnskilfull Surueyor, to the vniuſt condemnation or ſuſpition of both. And therefore I thinke it behoueth men of worth, that haue vſe of ſuch as you are, to be well aſſured of the ſkill and ability which you pretend to haue in your Profeſſion; and becauſe I haue no further experience of you then the bare report of my Tennant, I muſt intreat you to diſcourſe vnto me a little of your knowledge, of ſuch particulars as are to be conſidered in the abſolute Suruey of a Manor.

Ignorance in Surueyors dangerous.

Sur. Sir, you ſeeme to oppoſe me farre, and the thing you demaund, will require a longer time, and a larger Diſcourſe, then either my leiſure, or peraduenture my preſent memory of euery particular will readily permit. And it may be, that you that pretend little knowledge in the Art, may apprehend both the truth of the thing, and an error committed in the performance, as well as he that aſſumeth the Title of a Surueyor, although neither your leiſure nor your quality may in reaſon permit you the trauaile in it: For I know many Gentlemen of good worth, that haue the Speculatiue parts of the whole, and the practicke of the deepeſt, and yet they will not be ſeene to treade that path that a Surueyor is forced to doe, in the whole buſineſſe. You haue the matter and ſubiect whereon a Surueyor worketh, and without which a Surueyor looſeth both Art and Name, and therefore you cannot be altogether ignorant of the things required in the buſineſſe;

Some not hauing the name of Surueyors, may haue the skill.

as

as the Master of a feast cannot dresse the dainties, but the Cooke, yet can the Master reproue the Cooke if he doe not his duety therein.

Lord. Thou saist true in thy comparison: but for my part, although indeede I haue Land, and I know how many Mannors I haue, their names, and where they lye, and the most of my Tennants, and their rents, and if you should erre in these, it may be I might be able to reproue you, yet for matters of further search, I assume not to be skilfull, for then I needed not your seruice, as of quantities, qualities, values, validities of estates, Tenures, customes, and other things incident to a Mannor, which are not in all Mannors alike, the true discouery whereof belongeth to the Surueyors office, yet none but such as are truely skilfull, can sufficiently discharge the duety herein required: and therefore by your leaue, you shall briefly (I will not be tedious) relate vnto me what you can say of the definition of a Mannor, whereof it consisteth, how, when, and by whom it was erected with other such things as shall be expedient for the Lord of a Mannor to know, the particulars whereof I will leaue to your relation, and first tell me what a Mannor is.

Sur. Sith you will needes diue into my poore skill, by your opposall, and sith indeede I doe in some measure professe the Art, wherein I thinke no man is or hath beene so exquisite, but he might erre in some point or part, much or little, as in other arts, yet to answere your demands, I will as briefely as I can satisfie your desire. And first, where you demand what a Mannor is, *A Mannor in substance is of Lands, Wood, Meddow, Pasture, and Arable: It is compounded of demeisns and seruices of long continuance.* As touching the beginning of a Mannor, and the institution thereof, the beginning of Mannors was, when the King gaue lands vnto his followers, in such quantity, as did exceede the proportion of a

A man may erre in whatsoeuer Art.

What a Mannor is. *Perk. fo. 127.*

The beginning of Mannors.

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mans manurance and occupation, as a thousand, two thousand Acres, more or lesse: which quantity of Land being at that time as it were in a lump or *Chaos*, without any distinction of parts, or qualities of Land, he to whom such land was giuen, to hold to him and his heyres for euer, enfeoffed some others in parts therof, as one in ten, another in twenty, and some in more, some in lesse Acres, and in consideration of such feoffments, euery of these were to doe the feoffer some kinde of seruice, as he and they agreed vpon, reseruing such a part vnto himselfe, as he might conueniently occupy in his own hands, and by this meanes the Land thus giuen by the King, and thus proportioned out to others by the *Donee*, became to be called a Mannor. And he that was thus inuested in this Land by the King, was in respect of such as he infeoffed, called the Lord, and such as were infeoffed, were called Tennants: Lord, in respect of gouernment and command: & Tennants, in respect of their Tenures, and manner of holding vnder the Lord, whom they were to obey.

Lords and Tennants, why so called.

Lord. **But when or about what time was this erection of Mannors?**

Sur. As I take it, and as it seemeth, in the time of the Normans: for among the Saxons was no such name as the name Mannor, yet the thing euen in substance was then, for they had *Demeisnes*, and seruices in substance, but the *Demeisnes* they called *Inlandt*, and the seruices *Vlandt*, so that it differeth onely in name, but in iurisdiction little or nothing at all.

When Mannors began.

Inlands. Vlands.

Lord. **Wherof is it called a Mannor?**

Sur. There is some difference of opinions whence the word Mannor should be deriued: it is in Latine called

Manerium,

Manerium, yet a word not vſed among the Romanes or ancient Latines, and therefore to finde the *etimon* by it, cannot be: for the word is vſed among our Lawyers, as many other made words are, which haue beene termes raiſed by our Lawes, and are not elſe-where in vſe: and therefore the neareſt way to find the ſignification of the word, is by the quality of the thing: ſo that ſome hold it ſhould proceede of the Latine verbe, *Manere*, which ſignifieth to abide, or remaine in a place, as the Lord and his Tennants did in this, whereof the head houſe, or the Lords ſeat was called *Berrye*, which ſignifieth in the Saxon tongue, a dwelling place; which continueth yet ſtill in Hartfordſhire, and in diuers other places, and is alſo taken ſometimes *pro caſtro*, which was alſo the ſeate of the Lord of ſome Mannors. Mannor houſes were alſo, and yet are called in ſome places, Hals, as in Eſſex, and Northward: Courts and Court-houſes Weſtward, as in Summerſet, Deuon, &c. as alſo Mannor places: all which are places of the Lords owne abode, & therefore it may not vnfitly be ſaid, to take name of abiding or dwelling. Some thinke, and not improperly, that it taketh name of the French word *Manemirer*, which ſignifieth to till and manure the ground: And of the two, I take this latter to be the moſt proper deriuation of the word Mannor: for thereof are many chiefe houſes of tillage called *predia* Graunges or *fermes*; which word *farme* is taken of the *Saxon* word *feormion*, which ſignifieth to feede or yeelde victuall; for in ancient time their reſeruations were as well in victuall as in money, vntill at length they were turned into money: and ſome Farme rents doe yet continue in victuall. Furthermore a Mannor may take name of *Mainer*, to gouerne and guide,

Whence a Mannor taketh name.

Berrye quid.

Halles. Courts.

Predia.

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becauſe the Lord of the Mannor had the managing and direction of all his Tennants within the limits of his iuriſdiction. Of theſe deriuations *qualem manus accipe:* neceſſity tyes to neither.

Lord. Theſe ſignifications of the word may ſtand all with ſenſe, and much materiall it is not whence the word ariſeth, but the likelyeſt is indeede that which moſt agreeth with the property of the thing. But I haue within my Mannors ſundry meſuages: whence is the name deriued?

M ſuage, whence it taketh Name.

Sur. Of Meiſus, or *meſuager*, which is as much to ſay, as *familiam adminiſtrare*, to gouerne a houſhold: for euery of the Tennants had his family, and of diuers of them and of the Lords family did a Mannor conſiſt.

Lord. Then no doubt, if a man haue a thouſand Acres of Land more or leſſe, to him and his heyres, which lyeth in one intyre pæce, not yet deuided, it may be deuided into parts, as a portion for the Lord himſelfe, and ſome parcels to erect ſuch meſuages for Tennants to doe him ſeruice, as he may make a Mannor where none was before.

A Mannor may not be made at this day.

Sur. No Sir, for although a man haue a competent quantity of Land in his manurance, and would conuert it to the end you ſpeake of, were it neuer ſo great, and could eſtabliſh many meſuages, and could erect whatſoeuer ſeruices, this would not become a Mannor, becauſe all theſe muſt haue long continuance, which cannot at this day be confirmed by any priuate man, but by the King onely: but he may haue thereby a kind of *ſeignory*, a Lordſhip or gouernment in groſſe ouer his Tennants by contract or couenant, but no Mannor. No man at this day can create a ſeruice or a tenure, or by any means raiſe or erect a Mannor: for there muſt be very Lord and very Tennant in fee-ſimple, and that of ancient commencement and continuance, or elſe it can inure no Man-

Mannor. For a man may haue demeiſnes to occupy, and Tennants to doe him ſeruices, and that of continuance, and yet no Mannor. As if a man that had land, did giue part of this land in former time to ſome others in tayle to doe him ſeruices, here are demeiſns in the donor, and ſeruices in the donees, and a Tenure; yet becauſe there be not very Tennants in fee-ſimple, it maketh no Mannor.

Lord. Whether are all lands holden of a Mannor, parcell of the ſame Mannor?

Sur. No, Lands may be holden of a Mannor by certaine ſeruices, the ſeruice may be parcell of the Mannor, and yet the Lands not.

Lord. But may not this Land be made parcell of the Mannor at this day?

Sur. By no other meanes but by *eſcheat*, for if the land fall vnto the Lord by eſcheat, then it comes parcel of the Mannor: for then is the ſeruice extinguiſhed, and the Land commeth in place of it.

Lord. May not a man purchaſe Land that lyeth nére his Mannor, and annere the ſame, and make it parcell of the Mannor, though it held not of the Mannor before.

Sur. Forraigne Land newly purchaſed, though it lye within the precinct and bounds of the Mannor, cannot be annexed, though the Tennant thereof be willing to doe his ſeruices there: for this is in nature of a new creation of a Tenure, which at this day the law will not admit, onely the King by his prerogatiue may.

Lord. What if it were tyed vnto the Lord of a Mannor for the payment of an annuity, is not the annuity then parcell of the Mannor? And if that Land be purchaſed by the Lord, and thereby extinguiſh the annuity, doth not that land come in place of the annuity, and ſo become parcell of the Man-

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Mannor, as the Land you spake of before, which by the eschеat ran in place of the seruice.

Sur. The case is not alike: for the annuity was not parcell of the Mannor, neither can it be by such meanes as you propound by the way of Mortgage. But in another sort it may: as if a Mannor be to be deuided into sundry parts, and becaus the parts fall out vnequall in value, there must a rent or annuity be apportioned to make vp the value, which rent becomes parcell of the Mannor.

22. Ed. 4. 44.

22. Li. Ass. 53.

Lord. If the Mannor be diuided, as you say, and a Rent allotted to one part, how can the Rent bee parcell of the Mannor, for as much as in my vnderstanding, the Mannor becommeth by this partition, to be no Mannor: For if there can be no addition to a Mannor, there can be no diuision of a Mannor, and yet the Mannor to continue still a Mannor.

Sur. Yes Sir, of one Mannor may be made diuers at this day.

Lord. How I pray you?

Sur. If a Mannor descend to diuers partners, and they make partition, and euery one hath Demeisnes and seruices, euery one hath a Mannor, and euery one may keepe a Court Baron.

26. H. 8. 4.

Lord. What if a man make a Feoffement vpon condition of parcell of his Mannor, or doe graunt a Lease to another for life of part, or doe Intaile part, are not these parts still parcels of the Mannor?

Sur. If parcels of a Mannor bee once thus seuered, they immediately become no parcels thereof: Yet may they all reuert and become parcels of the Mannor againe, as if the condition of the Feoffement bee broken, if the Tennant for life die, or the limitation of the Intaile discontinue for want of heires.

Lord. Then a man may say, that though such Land bee not

not, yet the reuerſions are parcels of the Mannors.

Sur. So it is intended.

Lord. Well, you haue reaſonably well ſatiſfied me in theſe points, yet would I gladly haue ſome further ſatisfaction of ſome other matters, touching the ſtate e profits of a Mannor.

Sur. I would bee willing to doe my beſt to content you, but you partly hinder me of other buſineſſe. What elſe would you know? I wiſh breuitie.

Lord. It ſhall be ſo neither ſhall you loſe your labour: for I meane to vſe you, if my future ſatisfaction be anſwerable to this former, may euery Mannor keepe a Court Baron?

Sur. Euery Mannor in the beginning, no doubt, might keepe a Court Barron, and ſo it may at this day, vnleſſe the Mannor be ſo diſmembred, as it wanteth that which may warrant the keeping thereof: For if all the Freeholders of a Mannor doe Eſcheat, or all but one, the Mannor is then diſabled to keepe a Court Baron, for the Court cannot be kept without ſuters, which are the Freeholders. Euery Mannor may keepe a Court Baron. 35. H. 8.

Lord. Then me thinks, the Mannor loſeth the name of a Mannor: for if it loſe the quality, it is not the thing: no more the a Logge that had fire, can be ſaid a fire-Logge, when the fire is extinct. A Mannor may looſe the propertie, and ſo the name. *Fuzh.* 3. c.

Sur. It is true, it becomes no Mannor, but a *Seignory*, hauing no power to keepe a Court Baron. A Seignory.

Lord. An ignorant Surueyor, I ſay, may be eaſily deceiued, in terming that which is no mannor a mannor, and that no mannor, which indeede is a mannor. But ſatiſfie me in this one thing. A man hauing two Mannors lying together, and the one of them is decayd, and hath loſt his power to keepe a Court Baron, and the Lord is willing to haue the Tennants of both theſe Mannors to doe their ſuits and ſeruices to one Court, namely, to that which ſtandeth yet in force, and that me thinkes were good for the Tennants to eaſe them, and it would preſerue the Lords right without preiudice to any:

for

for then one homage would serue both, and both serue as one, one Baylife, and other officers, as if it were an intyre Mannor.

Sur. Yet this cannot be, for this vnion of the Mannors cannot extinguish their seuerall distinctions, for they will be still two in nature, howsoeuer the Lord couet to make them one in name, and the more powerfull Mannor hath no warrant to call the Tennants of the decayed *Seignory*, but euery act done in one to punish an offendor, in the other is trauersable, and therefore it is but lost labour to practise any such vnion: if it be considered by such as are forced to seruice in this kinde, they may refuse it: yet if they will voluntarily submit themselues to such a nouation, and the same be continued without contraction, time may make this vnion perfect, and of two distinct Mannors in nature, make one in name and vse, and I doe not thinke but such there are.

How two distinct Mannors may be made one.

Lord. Then is there, as it seemeth, no meane to annexe two Mannors in one, howsoeuer necessary it were both for the Lord and Tennants.

Sur. Yes Sir, two Mannors may become as one, if one Mannor doe hold of another, and it escheat to the Lord, the escheated Mannor may be annexed, and vnited, and of two distinct Mannors become one, if the Lord will, in vse.

Lord. I am answered in this point, and it standeth with more reason indeede then the former: now I pray you tell me what things doe properly belong to a Mannor.

Sur. There doe belong to a Mannor, Lands, Tenements, rents, and seruices, as I shewed you before in part, which are a parcel in *demeisns*, and parcel in seruice.

Lord. But speake, I pray you, something more at large of euery of these, and first tell me what demeisns are.

Sur. Demeisns are all such Lands, as haue beene time out

out of the memory of man, vſed and occupyed in the Lords owne hands, and manurance, as the ſite of the Mannor-houſe, Meddows, Paſtures, Woods, and arable land, that were reſerued for the maintenance of the Lords houſe from the beginning.

Lord. **This then is that you call parcell in demeſne: what is that you call parcell in ſeruice?** Parcell in ſeruice.

Sur. All thoſe lands, tenements, and hereditaments which yeeld rents of aſſizes, as rents of free-hold, copy-hold, or cuſtomary land: all which are parcell of the Mannor, yet no *demeiſns*.

Lord. **But is not all cuſtomary land, Copy-hold land? why then make you a diſtinction betweene copy and cuſtomary.** Copy and Cuſtomary Land, and their difference.

Sur. All copy-hold land is commonly cuſtomary, but all cuſtomary is not copy-hold: for in ſome places of this Realme, Tennants haue no copyes at all of their lands or tenements, or any thing to ſhew for that they hold, but there is an entry made in the Court booke, and that is their euidence, and this eſpecially of the ancient Dutchy land of Cornewall, and other places.

Lord. **Theſe Tennants then may be called Tennants by Court-roll, according to the cuſtome of the Mannor, but not Tennants by copy of Court-roll.**

Sur. It is true, but they are held onely a kinde of conuentionary Tennants, whom the cuſtome of the Mannor doth onely call to doe their ſeruices at the Court, as other cuſtomary Tennants doe. Conuentionary Tennants.

Lord. **The word *conuenire*, whereof they be called conuentionary, doth, as I conceiue, import as much as to call together, or conuent, although ſome would haue the word *conuentionary* to come of *conuentum*, of couenant, namely, to be *Tennants by couenant*, but the former is more probable. But what ſay you to the rents of Aſſize? What meane you by Aſſize?**

Sur.

Sur. Truly, for my part I take it to signifie, set in certainty: for these kind of rents are as in the beginning, neither risen nor fallen, but doe continue alwaies one and the same, and onely they and none else can be properly called rents of Assize.

Rents of Assize, why so called.

Lord. I thinke you take it rightly: and are all rents of one sorte?

Three kinds of Rents.

Sur. No: there are properly three kinds, as rent-seruice, rent-seck, and rent-charge.

Lord. These termes are strange to me, though I bee Lord of many Mannors, and no doubt, I receiue rents of euery of these kinds, but how to distinguish them I cannot tell. And whether I haue beene abused by mine officers or no, I know not: for they neuer told me of these many kinds of rents, and therefore let me intreate you, for my satisfaction, a little to explaine their seuerall natures?

Sur. These seuerall rents are paid vpon seuerall considerations, and haue seuerall grounds and commencements, & are diuersly to be leuied and recouered if they bee denyed. That which is called Rent-seruice, is so called because it is knit to the tenure, and is as it were a seruice, whereby a man holdeth his Lands, or Tenements. As, where the Tennant holdeth his lands, by fealty and certaine rent, or by homage, fealty, and certaine rent, or by any other seruice and certaine rent, the rent is called rent seruice: for, as the seruice followeth a Tenure, so the rent followeth the seruice. And if this rent be behinde, the Lord of Common right may enter and distraine for it. And if the Lord cannot finde a distresse in two yeares vpon the land of rent-seruice, he may haue a Writ called *Cessauit per biennium. Sta. de Westm.* 2. *Ca* 21. and recouer the Land. The rent-charge is so called, because when a man graunteth any land, whether it be in fee-simple, fee-taile,

How euery kinde of rent is to be paid.

fee-taile, for life, for yeares, or at will, and in his deed reserueth a rent, with clause of distresse for non-payment, by vertue of this clause, the land is charged with payment of the rent, by expresse words, and by force of it the Lord may distraine for his rent behinde. And it is to be noted that if a man graunt Land vnder a rent-charge and after taketh to himselfe some of the Land, he extinguisheth the rent. Otherwise it is in a rent-seruice, for there the rent shall be apportioned.

Rent charge most common at this day.

Lord. **This kinde of rent is at this day, I thinke most common: for few will graunt Land, but they will make such prouision, that the land shall stand charged with the rent.**

Sur. It is true, for at this day, there can be no rent-seruice rayſed, because it cannot be without a tenure, which cannot be at this day created.

Rent-Secke.

Lord. **What is that you call Rent-seck?**

Sur. It is a bare rent, reserued vpon a graunt, wherein there is no mention made of charging the land by distresse, and it signifieth *redditum siccum*, a dry rent, for the recouery whereof the land is not charged, and so no distresse lyeth against it, but being once seized of the rent, and being after detayned, he may haue an assize, otherwise he hath no remedie.

Lord. **Few such rents are now a-dayes, for a man had need to make all the prouision he can to secure his rent, and yet he may be driuen to trye his vttermost meanes to recouer it. But you haue satisfied me also touching these rents: now let me intreate you to shew somewhat of other things incident vnto a Mannor, by which the Lord receiueth profit or prerogatiue.**

Profits of Mannors are infinite, and in all Mannors different.

Sur. Profits may rise by infinite meanes and wayes out of a Mannor to the Lord, but all Mannors yeeld not profits or commodities alike, neither in nature, or value.

Lord. **I thinke indede all Mannors are not alike profi-**

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table to the Lord, neither hath euery Mannor like meanes, yet I desire to know for my experience sake, what may grow out of a Mannor, that I may the better looke into the natures and qualities of such as are vnder my power and command.

Profits of Court.

Sur. If you haue a Mannor or Mannors, there is (as I said before) *a Court Baron* at the least incident thereunto, and to some *a Leete, or Law-day*, which is called the *view of franck pledge*, by which Courts, doe grow many and diuers *perquisites* and *casualties*, as *fines of Land, Amerceaments, heriots, reliefes, waiues, estrayes, forfeitures, escheats*, profits growing by *pleas in Court*, and such like.

Lord. You may doe well to shew me, though briefly, what euery of these former things doe properly import, for to tell me the names, and not the natures of the things, is, as if I should know there is a Sunne, but whether he giue light and heate, to be ignorant. Therefore before you passe further in any discourse, shew me how fines of Land doe arise vnto the Lord, and what Amerceaments are, and the rest.

Fines of Land.

Sur. Fines of Land are of sundry kindes, and yet properly and most especially they arise of Copy-hold, or Customary Lands and Tenements, which are in diuers Mannors of diuers kindes: For there are Customary Lands, which are called Copy-hold of Inheritance, and they are such as a man holdeth to him and his Heires, according to the custome of the Mannor, at the will of the Lord. When such a Tennant dieth, and the Heire commeth to be admitted (if the custome of the Mannor beare a Fine certaine) hee giueth but the accustomed Fine: If it be vncertaine and arbitrable, hee agreeth and compoundeth with the Lord, or Surueyor, or Steward, for the Fine. Some hold Customary Land for liues, as for one, two, or three liues, whereof the Fine is alwayes at the Lords will, as is also the Fine for yeeres. There

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are alſo Fines for licences of Surrenders of Cuſtomary Land, and for Alienation alſo of free-hold Land, and theſe are called Fines, which ſignifieth as much as a finall compoſition: And when the Fine which is the end of the contract is anſwered, all but the yeerely Rent during the terme agreed vpon is paide. Theſe and ſuch like ſummes of money raiſed at a Court Baron: are parcell of the *Perquiſites* of the Court, as are all *Amercements*, which are ſummes of money impoſed vpon the Tennants by the Steward, Surueyor by Oath, and preſentment of the Homage, for default of doing ſute, or for other miſdemeanors puniſhable by the ſame Court, infinite in number and quality. Fine why ſo called.

Lord. Whence taketh the word Amercement name?

Sur. Of being in the Lords mercy, to be puniſhed more or leſſe, crumenally at the Lords pleaſure and will. It is no doubt, a borrowed word, as many other words vſed in our Common lawes are: For he that is Amerced, is ſaid to be *In Miſericordia*, that is, in the mercy of ſome body. Amercements.

Lord. Theſe words may be vnderſtood by vſe, and by the manner of the vſe of things: But he that ſhould ſeeke the Etymon, among the Latines, of the Subſtantiue Amerciamentum, and the Adiectiue Amerciatus, might ſeeke long, and be neuer the neere. But I perceiue, we muſt take it as our Fathers firſt framed it and left it, I vnderſtand what it meaneth in our common ſenſe, and that ſufficeth.

Sur. Other words, not a few, in like ſort to be vnderſtood, we finde in vſe amongſt vs, which doubtleſſe the Romanes neuer knew: And yet they that haue to doe with the things wherein they are vſed, vnderſtand the meaning, although their deriuations be ſtrange, as amongſt others it is queſtionable, whence the name of a

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Heriot may be deriued.

Heriots. Lord. What would I be glad to learne? For I haue to doe sometimes with Heriots. But because I know not why they are so called, what they be, how, where, when, by whom, & for what they should be answered, I doe feare I am sometimes abused.

Sur. I may tell you as I haue heard, and of my self coniectured, whence the word commeth: But I haue no certaine Authority for it. It may be said, and most likely it is, that it should come of the word *Herus*, a Lord and Master: and *Heriotus* belonging to the Lord. And it was in the beginning a thing for the Warres, as the best Horse a man that died had at the time of his death.

Heriots whence so called. And the Saxon word *Newges* had the same signification that the word *Heriotus* hath, and importeth a thing pertaining to the Warres, which was a Horse trapped, or a Speare, or Armour, or a Sword, or some such Militarie weapon, which was parcell of the Tennants seruice due to his Lord, and if such a Tennant had been slaine in the Warres in the company of the Lord, he had paid no Heriot. *Si quis in exercitu, siue in regno, siue extra, pugnans coram Domino, mortem oppeterit, ei condonatur & remittitur Heriotus.* Whereby it seemeth, that his seruice in the Warres belonged vnto the Lord, and Death being the vttermost end of his seruice, he had done as much as his seruice bound him to performe; and after his death, his horse and furniture came in place of the seruice due vnto the Lord, and thereof called a *Heriot*, being due vnto the Lord, *De Iure*, after his death, and the remission was of any further *Heriot* of his goods, then that which he left behinde him at his death in the Field, which of right the Lord might seize, as it seemeth by these words, *Si quis in Curia, siue morte repentina fuerit intestatus mortuus*,

Of a man slain in the Warres in company of his Lord, left his Horse and Armor for Heriot. 19. *H.* 7. *c.* 15.

tuus, Dominus tamen nullam rerum ſuarum partem, præter eam quæ iure debetur, Herioti nomine, ſibi aſſumitur. So that it appeareth, that at the death of euery Tennant, there was due vnto the Lord of the Mannor of right this *Heriotus*, a thing appertaining to the Lord.

Lord. **It ſeemeth by the quality of the thing thus due vnto the Lord, that indede the name comes as you ſay of herus, as proper or belonging to the Lord: but howſoeuer, the things continue due and anſwerable to the Lord at this day: I thinke, Tennants are not bound to like attendance on their Lords as in times paſt, and therefore whether are not theſe heriots ſomething altered in their kinde, or doe they continue as in the beginning?**

Sur. Tennants are not freed of their ſeruice, nor *heriots* altred, but they are by their Tenures bound as at the beginning, to attend their Lords in the warres, but that the manner of the proceeding to ſet forth and to preſſe men to the warres, is not alike, and therefore the diſcontinuance of the forme of the generall performance of this kind of military ſeruice, hath bred a kind of confuſion of theſe petty and inferior ſeruices betweene Lords and Tennants, yet not taken away the right of their ſeruice. Before the Conqueſt, *heriots* were paid according to euery mans ability, and ſo are they now, as the beſt horſe, Oxe, Cow, or ſuch like, ſometimes in money, and ſometimes the beſt implement of the houſe of him that dyed.

Tennants are bound to attend their Lords, by force of their ſeruice, to this day.

In what things Heriots are paid.

Lord. **A heriot is neuer paide, but after the death of a Tennant.**

Sur. Yes, in ſome places, if the Tennant ſurrender, forfeit, or will voluntarily depart from his cuſtomary Tenement or lands, he ſhal pay to the Lord his beſt quick good, in the name of a *heriot*, and in ſome places a peece of money, in the name of a farewell, or farelife.

A farewell paid in money.

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Lord. It falleth out in a Mannor of mine, that diuers customary Tenements heriotable, are dismembred, and such Tenements as in former times could yeld vnto the Lord a good Horse, Oxe, or Cow, cannot now yeld any quicke good at all, because the Lands are sold from the Tenement, and I lose my right: what remedy haue I?

Sur. You must take such a *heriot*, as the Tennant deceased hath at his death.

Lord. But the Land which belongeth sometimes vnto the Tenement whereof he died seized, is seuered so, as there is no intire parcell in any other mans Tenure, aboue one or two acres: is there nothing due for that at the death of the chiefe Tennant?

Sur. No surely: for the Lands being lawfully surrendred, whereof the Lord cannot but alwaies take knowledge (for it cannot be done without his consent) he can not pretend to haue wrong therein: yet this benefit remaineth to you that are the present Lord: You may take the aduantage of any quick, or dead goods, which any of the Tennants haue at their deaths, that hold any of the parcels of the Land lately belonging to this heriotable *meese place*. And if a Tennant haue but halfe an Acre thereof, and haue elsewhere more land, within, or without the Mannor whereupon he keepeth, any kinde of Cattell of whatsoeuer value, though holden of another Mannor, the best is yours, whersoeuer you can lawfully seize it after his death, yea, although it be vpon his freehold, as some say.

A small parcell of heriotable land draweth a Heriot.

Whence a Heriot may be seized.

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Lord. I like that well: yet I promise you, it is more then I thought I might haue done, and I haue lost much by mine ignorance. But may I not compound with all such Tennants as haue these parcels, to giue for euery Acre so much money, *nomine herioti*? and may not that agreement binde them and their heires for euer, being recorded in the Court role?

Sur.

Sur. No Sir: you cannot make any new cuſtome, although all the Tennants conſent willingly thereunto: yet if ſuch a compoſition were made and continued without any contradiction of poſterities, time might create a new cuſtome, by preſcription, and be good. A compoſition to raiſe a new Cuſtome, cannot ſtand.

Lord. **What if a Tennant haue ſeuerall heriotable Tenements, and dye? whether ſhall he pay one or more heriots?**

Sur. He ſhall pay as many as he hath Tenements heriotable. Many heriots after the death of one.

Lord. **But there comes a thing into my minde: I pray the, if thou canſt, reſolue me. Whether is the heriot paid in reſpect of him that is dead, or in reſpect of him that is to poſſeſſe the land after him?**

Sur. In reſpect of him that is dead plainely: for it is not ſaid, It ſhall be the beſt good of him that ſhall inherit, but of him that dyed, and whatſoeuer Legacies he gaue by his Teſtament, the Lord will haue his due, howſoeuer they be anſwered, and may ſeize it though it be ſold.

Lord. **It ſtands indeede by reaſon. But is there but one ſort of heriots?**

Sur. There are two ſorts, the one called *heriot cuſtome*, the other *heriot ſeruice*. It is held of ſome, that Tennants in fee-ſimple onely pay *heriot ſeruice*, and not a Tennant for life, and this kinde of heriot is commonly expreſſed in the grant, or deede, and the Land is charged with the payment, and therefore the Lord may diſtraine, or may ſeize it, and if the Tennant bring his action for the taking, the Lord may auow, as for other ſeruices. *Heriot cuſtome* is of another nature, for it is held to be *de gratia*, a meere benevolence, giuen to the Lord by his Tennant at the time of his death: and now hath cuſtome confirmed it as a debt due, recouerable by force of iuſtice. Two ſorts of Heriots. Heriot cuſtome. *Bracton.*

Some ſay, it was firſt giuen by Villaines and Bondmen.

Lord. That needed not: for if the Villaine and all that he had, were the Lords, of common right, as I haue heard it was, what needed the Lord to take a benevolence, when he might haue taken all at his pleaſure?

Diuers places haue different Cuſtomes.

Sur. You ſay truely, yet it might be giuen as a continuall future gratification, vpon their infranchiſements and manumiſſion, to be yeelded at the death of euery ſuch Tennant. Diuers cuſtomes of diuers places make diuers kindes of yeelding *heriots*.

Lord. I know that well: for cuſtome, as is ſaid, is aboue the law. Now I pray you, ſay ſomthing touching Reliefes: for I take it, that was the next branch of your diuiſion of the profits riſing of a Mannor: but firſt, whence comes the word?

Relieſe.

Sur. Relieſe in French, is as much as *relenatio* in Latin, which is deriued of *releuo* the verbe, which is, to raiſe and ſet vp againe, and therfore *M. Bracton* ſaith, *Relenatur hæreditas, quæ fuit iacens per mortem antecеſſoris*. Whereby it appeareth, that the heire payeth this reliefe, as a conſideration and recompence vnto the Lord, to be raiſed vnto the poſſeſſions of his deceaſed aunceſtors: for this is all the benefit that the Lord hath after the death of his former Tennant, hauing neither the cuſtody of the land, or body of the heyre, as in ſome caſes the Lord hath of both.

The Heire payeth reliefe.

The difference betweene a Herio. and Relieſe.

Lord. The difference then, as I gather, betweene an heriot and reliefe is, that the heriot is paid in the name of the Tennant deceaſed, and the reliefe in reſpect of the heyre that is to become Tennant after the death of his aunceſtor to his poſſeſſions: but whether of theſe is the moſt auncient?

Sur. Surely the *heriot*: for that was giuen in the Saxons time, as is prooued before, and that eſpecially of things pertaining to warre, but the *reliefe* came ſince, by the

the Normans. And where these matters of warre are continued and paid in kind, it is vnder the name of *heriot*, but where the Normans made composition, and tooke money for all, it is called *reliefe*: so that it seemeth, that both these in the beginning were one, but now become two distinct things, both in name and nature.

Heriot and Reliefe supposed sometimes one.

Lord. You haue before told me how the heriot is: now tell me how the reliefe is paid.

Sur. The *reliefe* is paid after the death, change, or alienation of euery free-horder, or of a Tennant in ancient *demeisn*. And the *reliefe* in some places is the whole yeeres rent, in some Mannors two yeeres, and in some places halfe a yeeres rent, as the custome of the place permitteth: in Gornewall in many Mannors they pay for *reliefe* for euery penny fiue pence; and if the reliefe be not paid, the Lord may distraine of common right. And if a free-holder hold of the Lord by Knights seruice, and dye, his heyre of full age, the Lord shall haue of the heyre, for euery Knights fee, a hundred shillings for *reliefe*, and if the land be more or lesse, the *reliefe* is to be apportioned according to that rate.

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How a Reliefe is paid.

Lord. What quantity of land is a Knights fee?

Sur. There is some difference of the quantity of a Knights fee, as the custome of the places doe differ in measure of land: for in the *Dutchy of Lancaster*, a *Knights fee* containeth foure hides of land, euery hide foure plough lands, called in latine, *Carucata terra*, and that is, *quantum aratrum arare potest in æstiuo tempore*: and that is (as I take it) which is in the North parts called an *Oxegange*. And euery *plough land* or *carue*, is foure yard land, which in latine is called *quatrona terra*, euery yard land thirty Acres: halfe a yard land in some places in the West,

The quantity of land of a Knights fee.

Hida terra.

Carucata terra.

is called a *Cosset*, halfe a *Cosset* is a *Mese*, which containeth about 7 ½. Acres. I finde in an old Record of certaine Lands sometimes the Earle of *Richmonds*, namely, *Denton* and *Risewicke*, that one *Robert Tortemaynes* did hold there *duodecem carucat. terra, quæ faciunt feod. vnius militis, quarum caruca & dimid. sex bouat. terra tenentur.* So that there is some difference in these computations, according to the custome of the Countrey. But commonly a *carue* or *plow-land*, containeth a hundreth and twenty Acres: euery hide of land 480. Acres; and euery *Knights* fee 1920. Acres. But after some computation, a Knights fee containeth fiue *hydes* of land, euery *hyde* foure yard land, and euery yard land twenty foure Acres, after the common account: In *Shippon* in *Barkshire* they haue a hide of Meadow, and that containes tenne Acres.

Quatrona, siue virgata terra.

Lord. **So a man may be mistaken in a hyde of land. But I see there is then great difference betweene a Knights fee of the Dutchy of Lancaster, the Earledome of Richmond, and the common account of England, as it appeareth. But seeing we haue gone so farre, how many Knights fees make a Barony?**

Sur. Two *Knights fees* make one *Cantred*, which after the first computation, amounteth to 3840. Acres. Sixe *Cantreds* $\frac{11}{16}$ maketh a *Barony* 25600. Acres, whose reliefe is 100. Marks. One *Barony* ½ make an *Earldome* 38400 Acres, whose reliefe is 100. pound.

The quantity of land of a Barony. *Mag. Cart. Cap.* 3.

An Earledome.

Lord. **Doe these proportions of Land alwaies hold with their titles of honour?**

Sur. Surely no: for we may obserue, they are increased and diminished, as men are in disposition to spend, or saue, to adde to, or to dismember their patrimonies. But these were the proportions at the first institution of

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theſe particular allotments, and the denominations doe hold, though the quantities of the land be more or leſſe: the leſſer parts we ſee, as *yard-lands, plow-lands, &c.* place, lands, and their parts differ, as the cuſtome of euery Country, drawne by time, doth at this day hold and allow them: but that is no preiudice to the firſt purpoſe, which allotted a certainty to euery part, and a certaine reliefe to be paid, according to the firſt inſtitution of euery part, and the paiment followeth the title, not the quantity.

Lord. **You haue ſaid enough of reliefes: now ſpeake of the reſt: and as I remember, the next after reliefes was wayues, what are they?**

Sur. *Wayues*, or *wayued goods*, are goods or chattels of what nature ſoeuer, ſtolne, and in the fugacie of the theefe, he leaues them behinde him for want of conuenient carriage, or conueyance, being purſued: and whereſoeuer ſuch goods are, they are the Lords of that Mannor or liberty wherein they are found, if the prerogatiue of the Mannor will beare it: for euery Mannor will not carry them, but ſuch as haue it by grant from the King. Wayues, or wayued goods.

Lord. **Whence commeth the word Waife?**

Sur. The goods thus ſtolne and left behind the theefe, are called in Latine *Bona*, or *catalla waniata*: a word, which our common Lawyers onely vſe, and the ſignification is gathered by the vſe: for I thinke, none that is a ſtranger to the termes of our common Lawes, be he neuer ſo well ſeene in tongues, can ſay this word ſignifies the thing for which it is now taken. Waife, whence deriued.

Lord **Well then, as long as we vnderſtand the meaning, by the vſe, it ſufficeth, without further examination, or diſputation about the word it ſelfe. But how is it to be proued**

ned ſtolne goods: for it may be as well caſually loſt, as feloniouſly ſtolne.

How to proue wayued goods.

Sur. Therefore when any ſuch thing is found within a Mannor, the *Bayliefe*, or other the Lords officer, ſeizeth it to the Lords vſe, as a thing wherein at the inſtant no man claimeth property. And if it be not euident by the purſuite of the thiefe, that it was ſtolne, it is proclaimed and preſented the next Court, and found by the Iury of what nature it is, and that the property is in the Lord: and becauſe theſe and *Eſtraies* are ſpoken of at large at euery Court Baron by the Steward, no man can pretend ignorance of them, therefore I will omit to ſpeake any more of them. But a little of *forfeitures*, though no doubt, you being Lord of many Mannors, know right well what they are, and how they grow, and the Tennants no doubt, could wiſh you and other Lords knew leſſe then generally you doe, how, & when they happen.

Forfeitures.

Forfeitures fit to curbe offendors.

Lord. **Tuſh, if there were no penalties, men would commit offences without feare, and if there were no forfeitures for abuſes done againſt Lords of Mannors, Tennants would be boldly make waſtes and ſpoyles of the Lords inheritance, without regard of law, loue, or humanity: and therefore let me heare your opinion what forfeitures are, and for what cauſes, Lords of careleſſe Tennants may take aduantage of forfeitures, who may omit and forgiue, as they ſee cauſe.**

Sur. I know many Lords too forward in taking aduantage of forfeitures vpon ſmall occaſions, and if manifeſt cauſe be giuen them, they ſhew little compaſſion: And if I knew you were a man deſirous to take aduantage in this kinde, I would be ſparing to diſcouer any thing tending to that liberty: for, I well conceiue, that the law did not ſo much prouide, to enrich the Lords of Mannors, by their Tennants forfeitures, as to keep Tennants

The chiefe end of forfeitures.

nants in good order, and to reſtraine them (with feare of looſing their Tenements) from raſh and wilfull abuſes, as the ſtatutes of the Realme, wee ſee haue heauie penalties, but ſeldome *ſumo iure* exacted. And therefore in all forfeitures, there are diuers circumſtances to be conſidered; as whether the Tennant did it ignorantly, negligently, or as conſtrained through neceſſitie. In theſe caſes, whatſoeuer law in extreame iuſtice alloweth, a good conſcience forbiddeth to take aduantage, though the ſecond be worthy to ſuffer ſome ſmart: for negligence cannot be excuſed: for nature it ſelfe teacheth beaſts, and they in their manner of liuing, vſe a kinde of prouidence. But if the forfeiture be committed wilfully or malitiouſly, it deſerueth in the firſt, little, and in the ſecond leſſe pitty. Yet where a good minde is, there lodgeth no reuenge, or couetous deſire. And where neither of theſe are, there all extreamities die. Yet I wiſh, that in theſe laſt two caſes, the offendors ſhould be puniſhed more *in terrorem*, for examples ſake, then to ſatisfie the greedy deſire of a couetous Land-Lord, who (though he may ſay, he doth no more then the law warranteth) doth yet ſtraine a poynt of Chriſtian charity, by which men are bound to meaſure all mens caſes by a true conſideration of their owne. So ſhall he that is Lord of much, and of many Mannors, looking into the law of the great Lord, of whom he hath receiued, and holdeth whatſoeuer he hath, finde, that himſelfe hath committed a forfeiture of all, if this high Lord ſhould take aduantage of all the treſpaſſes and wrongs hee hath done againſt him.

A good meane to make Landlords ſparing to take Forfeiture.

Lord. You are out of the matter, whereof your talke conſiſteth. I deſire you not to tell me how farre I may take a forfeiture by a good conſcience, but what a forfeiture is, and referre

referre the taking and leauing the aduantage, vnto such as haue the power to punish or forgiue.

The part of a good Surueyor.

Sur. So must I when I haue spoken all I can. But I hold it not the part of an honest mind in a Surueyor to be an instigator of the Lords extreamities towards his Tennants: though I confesse he ought to doe his vttermost endeauour to aduance the Lords benefit in all things fit and expedient, yet ought his counsaile and aduice to tend no further, then may maintaine obedience in the Tennants towards their Lords, and loue & fauour of the Lords towards their Tennants, which being on all sides vntayned, neither of them shall haue iust cause to complaine of, or to vse rigor to the other; for it is not the actor himselfe of any extreamity, that is onely to be reproued, but the abetter thereunto: and if I wist that any Lord, who shall require the vse of my poore trauailes, would expect more at my hands, then the performance of my duty with a good conscience, I had rather leaue then take the reward for such a trauaile. Neither doe I find that you, howsoeuer you reason of this poynt, will commit any act toward any Tenant you haue, that may not be iustified by the law of loue: therefore I leaue further to perswade or disswade you herein And as touching the matter and manner of forfeitures, I pray you vnderstand, that they be of diuers kinds, & diuers waies committed: for in some Mannors it is lawfull to doe that which in others incurres a *forfeiture*. *Forfeitures* grow either by breach of a custome, as in Customary or copyhold land, or of a condition or promise in a Lease or graunt, of which last, the Tennant cannot say he did not thinke it was so, because the meaning is expressed in his deede; but of the former, silly men may be in some sort

Forfeitures diuers in diuers Mannors.

ignorant,

ignorant, if they haue not a Custome-roll among them to leade them. But for the most part, causes of forfaytures are apparent, and knowne of all within a Mannor: *as non payment of their rent, not doing his seruice, felling of trees vpon his customary land*, where custome inhibits it, *letting his customary Tenement to fall downe, alienating his copy-hold land without the Lords licence, committing waste*, and such like, which as I said before, are not alike in all places, and therefore it is most conuenient that the customes of euery Mannor were knowne, and the Tennants made acquainted with them, that when question groweth for any cause of forfayture, they may not say they knew it not: for Lords commonly know better how to take aduantages of such casualties, then the Tennants know how to auoyd them.

A custome Role necessaric.

Causes of Forfeitures.

Lord. **You speake that is reason, I confesse. But may a Lord enter immediately vpon a forfaiture?**

Sur. The forfaiture must be first presented by the homage at the next Court holden for the Mannor, & there found, and recorded, and then hath the Lord power to shew iustice or mercy. It were inconuenient, that the Lord should be iudge in his owne cause, and his present caruer of things doubtfull. And therefore hath the lawe ordained, in all controuersies, euen in these inferiour Courts, a iust manner of tryall by iury.

How and when a Lord may enter after a Forfaiture.

Lord. **May none, but copy-hold Tennants, forfait their Land?**

Sur. I shewed you before, that Tennants by deede indented for life or yeares, may forfait their estates, but that is by couenant or condition expressed in the deede, according to the prescript agreement made, and interchangeably confirmed betweene the Lord and his Tennant.

Lord

Lord. **What is an eſcheat? for, as I remember, that followeth in your formerly recited** perquiſites of Court.

What Eſcheats &c.

Sur. Eſcheat is where a freeholder of a Mannor committeth felony, the Lord, of whom his land is holden, ſhall haue his land, and that kinde of forfaiture is called *eſcheat.*

Lord. **The Lord may then enter immediately into this Land, becauſe the lawe hauing tried the felony, it caſteth the Land vpon the Lord.**

Sur. The King hath the vſe and waſte thereof for a yeare and a day, and then commeth it vnto the Lord, and his heires for euer.

Lord. **Is this all the cauſes of** Eſcheats?

Eſcheat for want of heire.

Sur. Eſcheat may alſo be, where a freeholder, Tennant in auncient *demeiſne*, and a cuſtomary Tennant of inheritance, dieth without heire generall or ſpeciall, and none of the bloud comming to claime the ſame, it falleth vnto the Lord, by way of *eſcheat.*

Lord. **This then is immediately the Lords, and the King hath no part, or time therein, and without any further ceremony, he may enter and diſpoſe of it at his pleaſure,**

How Eſcheates are found.

Sur. It muſt be alſo firſt found and preſented by the homage of the Mannor whereof it is holden: and after proclamation made to giue notice vnto the world, that if any man come and iuſtly claime it, he ſhall be receiued: the homage then finding it cleare, doth intitle the Lord thereof, as a thing eſcheated for want of an heire.

Lord. **You ſpeake of an heire generall or ſpeciall, what difference is there?**

Sur. The heire generall, is of the body of the deceaſed, and the ſpeciall, of his bloud or kinne.

Lord. **So haue you ſatisfied me thus farre: now what ſay you to the pleas of Court? for I remember, it is part of that**

that you before spake of.

Sur. It is true: they are parcell of the *perquisites* of Court. Perquisites of Courts.

Lord. Whereof commeth the word perquisites?

Sur. Of the word *perquiro*, (as I take it) which signifieth to search for, or to enquire diligently, as also to get or obtaine.

Lord. It may well be so: for these things before rehearsed vnder the name of perquisites, are all casuall, and not at all times alike: and therefore may be called perquisita, things gotten by diligent enquiry. And to that end, so many things are giuen by the Steward to the Iury of a Court Baron, and Leete in charge, that they should diligently enquire of them, finde them, and present them: and yet scarcely one of forty, of the seuerall things, wherewith they are charged, are found by the Iury. And some things happen at one Court, that happen not againe in twenty Courts after: and therefore are also called Casualties, as happening now and then, as I conceiue it, hauing little experience in them. Perquisite, why so called.

Sur. Yes: it seemes you haue the better part of experience, namely, the receiuing the profits that any way happen within the Mannor: some know the same, but as appertaining to others, not to themselues. Of this nature also are the profits that arise by *Pleas of Court*, which because they are diuers, and doe diuersly arise, there needs no long relation of them.

Lord. Are there no other Perquisites of Court, but such as you haue already remembred, nor other profits acting to a Lord of a Mannor?

Sur. There be many other profits that may grow also vnto a Lord of a Mannor; yet they not certaine, nor in all Mannors alike.

Lord. Then are they also casuall: and may be called also Perquisites of Courts.

Sur. Casuall, but not *Perquisites of Court*, yet some of them

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Perquisites, but not perquisites of Court.

them maybe called *Perquisita* in some sense, because they be gotten by search and inquirie, as those that are hidden in the earth: Treasures, which as long as they lye vnknowne, benefit not the Lord: but when they are found they are called *Treasure troue*, as *Siluer*, *Gold*, *Plate*, *Iewels*, and such like before-time hidden, which appertaine vnto the Lord. So doe *Minerales* of *Leade*, *Tinne*, *Copper*, and such like: And *Quarries* of stone, *Free-stone*, *Slate-stones*, *Marking-stones*, and all such: which may lye long vndiscouered. As may also *Cole*, *Limbe*, *Chalke*, and such like: for which, search being made, are happily found: yet because the benefit is vncertaine vpon the present, and what continuance & vent it may afford, they may passe vnder the name of *Perquisites*, and *Casualties*: as may also *Fishing* and *Fowling*, vnlesse the Lord can bring the same to be of a certaine continuing rent: then are they no more casuall during the graunt, but are in nature of other rents certaine. And of these kindes, are infinite other things, incident to some Mannors, but not to all. As the profits of *Faires*, and *Markets*, *Woodsales*, *sales of heath*, *flags*, and *Turbary*, *pawnage*, and such like. All which are in themselues vncertaine, as touching the value, vnlesse they be turned into a rent certaine.

Treasure troue.

How casualties may become certaine.

Lord. That I take is the surest way for the Lord, for he that commits the dispensation of these vncertaine things to Bailiffes, vnlesse they be very honest indeede, may make their Bailiffes rich, and raise little profit vnto themselues, as I am taught by experience, especially dwelling a farre off from my Mannors.

Sur. Yet the Lord must be warie how he lets these casuall things, before he know what they are, how they rise, and what profit they may yeeld, how they will continue, and to whom; & vpon what conditions he grants them.

them. Otherwiſe he may be ouertaken and much abuſed: for a Secret benefit once let, cannot be reuoked at pleaſure.

Lord. **You may indéede call theſe things Secrets, becauſe their validities are not ſuddainely apprehended or found, being in themſelues Nouelties, which ſometimes come ſhort, ſometimes exceéde the hope a man hath in the value which may grow by them.**

Sur. Therefore I ſay, it behoueth the Lord, to whom ſuch caſualties ſhall befall, firſt to make due and diligent triall by men, both of truſt and experience, what may be made of any ſuch thing by the yeere. For ſuch is the warie dealing of ſome, that haue the guiding of things of this caſuall nature, that they will obſerue the conditions and qualities, circumſtances and value to themſelues, and diſable the thing, and extenuate the value to the Lord, to bring him out of conceit with the goodneſſe and validitie thereof, to the end they may obtaine a graunt, as hath fallen out in many things, and to many men, whoſe future profit of the things thus atchiued, haue approoued the Lord to be much abuſed. This I know by experience, in the graunt of a *Cole-mine*, which as long as it was in the Lords hands, it yeelded a ſmall yeerely reuenew, vntill he that managed the ſame, got a graunt of the Lord, and then the profit was twiſe quadreabled by the Leſſees owne confeſſion. The like of a *Salmon-fiſhing*, wherin the Lord loſt two parts in three, and yet at the time of the letting, made to beleeue, it was hardly worth the Rent: Yet would I wiſh the Lords of Mannors in theſe caſuall things, to be contented, after true triall made, to grant the ſame for a reaſonable rent, though the leſſee gaine: for the trauaile and hazard

Policie in Bailiefes, and Ouerſeers

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in theſe vncertaine things deſerue ſome fauour: for in receiuing a rent, is little toile, and as little danger: But in theſe kindes of things, is vncertaine of profit, and aſſured care and labour.

Lord. **I obſerue by your diſcourſe, that you ſeeme very indifferent betweene the Lord and Tennant: I miſlike it not ſo you ſtand euen to the Lord that implopeth you, as right and equitie requireth.**

Sur. Euery profeſſion Sir, hath his defects: if they be voluntarie or wilfull, they are vtterly intollerable: for they be either for affection or lucre: Negligent defects cannot be excuſed; for they proceede of the want of heede, and carefull induſtrie. But for my part, I will indeuour to diſcharge my duty truly, and will wade in the buſineſſe, both mine eyes opened: but when I conſider the Lord and the Tennants, I will ſhut them both.

All profeſſions haue defects.

Lord. **Will you ſo? Is that all the care you will haue of the Lords benefit, that payeth you for your trauell? And ſhall the Tennant be as well reſpected as he? I thinke you will hardly proue a fit Surueyor for me.**

Sur. If you require other then an vpright courſe betweene your tennants and you, I reuerence your perſon, but deſire not your ſeruice: For, know you this, I pray you, that as the land and the profits of it is yours, & your reuenues grow by the rents, labour, and ſeruice of your Tennants, your Tennants haue as good intereſt in their Tenements for their rent and doing their ſeruice, as you (vnder your correction) haue in the Mannor, according to the quality of the Tenures: and that being ſaued to them, and a good conſcience to me, I ſhall doe what you will require.

Lord. **It is as much as I deſire: for that which I craue of you, is but to obſerue and report euery particular thing, within**

within the compasse of your Survey, whereby I may apprehend truely the full estate of my Mannor: as behoueth, and what commodities doe arise, or may by any meanes lawfully be raysed in the same. What a Lord may iustly challenge of his Surueyor.

Sur. If a painter should draw your picture, Sir, and you hauing a blemish in your face, or defect in your liniaments of bodie, would you thinke he dealt truely with you, if he omitted the blemish, and made your parts perfect and straight, being deformed and crooked?

Lord. I know your meaning: I like no such flattery, neither would I he should make a straight leg crooked, but true conformity in all parts.

Sur. So will I as neere as I can: for neither in quantity, quality, or value, will I, for I ought not to be partiall; for these are the things wherein iniury may be done to the Tennants: neither will I, for I ought not conceale or counterfait their estates, termes of yeares, liues, couenants or conditions, rents, seruices, forfaytures or offences, neither whatsoeuer profits, emoluments, or commodities that may any waies arise or grow vnto the Lord. For a partiall eye seduceth the heart, and the heart, the hand, and the hand the pen, which cannot but witnesse against a corrupt entry of these collections, many yeares after the Surueyor is in his graue. A Surueyor should be equall betweene Lord and Tennant.

Lord. Thou speakest as an honest man, and I mislike thee not, if thy words and thy workes agree. And seeing we are growne thus farre, I pray thee make an end of thy whole discourse, and tell me what else appertaineth to a Mannor.

Sur. I haue already declared the most. But Mannors much differ in their profits. For a Mannor of small quantity of Land, and few Tennants, may be more beneficiall to the Lord, then a farre greater.

Lord. How may that be?

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Commodities vnder the earth.

Sur. Diuers Lordſhips yeeld extraordinary commodities, ſome vnder the earth, ſome of the earth: ſome aboue the earth: as *Tinne, lead, copper, cole, ſtones, milſtones*, and ſuch like, found vnder the earth, which euery Manor hath not.

Lord. **But theſe are chargeable commodities to get.**

Sur. So is the Lord of a Mannor at no coſt in planting, plowing, ſetting, or ſowing them.

Lord. **That is true, but commonly the Land is barren where theſe things are found. And therefore it is a great worke of diuine prouidence, to yeld ſuch a commodity from vnder the barreneſt ſoyle, to ſupply the want thereof in places more fertile, of other things moſt behouefull for the reliefe of man. And yet in many of theſe barren places, groweth by the diligent man, corne in aboundance, as the Pſalmiſt ſaith:** A handfull of corne ſhall be ſowne vpon the toppe of the Mountaine, and the fruit thereof ſhall ſhake like the trees of Lebanon.

The wiſedome of Nature.

Pſal. 70. 16.

Sur. Where diligence is and the feare of God, there no doubt, God bleſſeth the labours of men, and *Waters euen the higheſt Mountaines, from his chambers.* For when Iſraell turned to God from their Idolatrie, he promiſed by *Ezechiel*, that their deſolate places, and high Mountaines, ſhould be tilled and ſowne. *But he maketh a fruitfull land barren, for the ſinnes of them that dwell therein.* So that whether God ſend his bleſſings vnder the earth, vpon the Mountaines, or in the Vallies, whether in graſſe for Cattle, in hearbs for the vſe of men, whether in Wheatt, Oyle, or Vines: he truly intitleth none vnto them, but ſuch as feare to offend him, and ſhew thankfulneſſe for them.

Pſal. 104. 13.
Ezech. 36. 9.
Pſal. 109. 3. 4.

Lord. **Though theſe words digreſſe from our preſent matter in hand ſomewhat: yet it is good, that both Lords and**

and Tennants should know and acknowledge indeede, from whom all these good things doe proceed. For although they come, some from vnder the earth, some of the earth, and some aboue the earth, they be not yet the gifts of the earth, but of God, that hath prouided the earth to bring them forth to our vse. But what meane you by the things of the earth? come not these of the earth? Lords and Tennants must acknowledge all to come from God.

Sur. Yes, I confesse it: but some things are more perfect of themselues then other. But such as by an extraordinary working of mans art, are made of the earth, I tearme things of the earth, and they also rest to the benefite of the Lord of that Mannor where such earth is found; as the earth whereof *Allome*, *Copras*, *Salt-peeter*, *Glasse*, or other such is made, together also with *Fullers-earth*, *Bricke*, *Tile*, & *Potters clay*, which are not common. Things made of the earth.

Lord. Is there any other thing materiall, incident to a Mannor?

Sur. Yea, and amongst all the rest of the priuiledges which the Lords of Mannors haue to raise their further benefites by, are two not yet mentioned, wherein if they be not very precise and circumspect how they bestow them, and in what sort they dispose of them, there will follow a fearefull account, when the great Lord of all Lords shall take suruey of the things done by the Lords of the earth.

Lord. What are these things, I pray you, that you make such scruple to vtter them?

Sur. Things of themselues lawfull by the lawes of the Land, where they be iudiciously & carefully handled, as they are by the lawes intended, and by the chiefe dispo- Wards. sers meant: namely the education and the marriages of *Wards*, & disposition of their lands in their minorities, & Presentations. the presentations of Benefices in the gifts of priuate men.

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Lord. For the first, I haue not yet occasion to make proofe how or what they are, but the second I haue had some power to bestow, wherein I was not so remisse, as that I presented such as were not fit for the function, which I thinke is your meaning: and therefore let that passe a while, and learne me what a ward is, and how he and his land is to be disposed by the law, that I may learne it against the time I may haue vse, to dispose both the Ward and his land.

The word Ward, whence taken.

Sur. The word *Ward* is as much as *Guard*, which signifieth tuition or defence, and he that is in ward, is vnder some mans gouernment and keeping: and the word hath a passiue signification, as it is vsed in our common speech, and yet the same word is also vsed in the actiue sense: as they that watch or attend for the defence of any are called the Ward or Guard of that person or thing they doe protect. But the Wards whereof we are now to speake of, are the sonnes or daughters, heires to some person, that held his land either of the King in chiefe, or of some inferiour person by Knights seruice: whose heire male being vnder the age of 21. yeares, and the female within the age of 14. yeares, the Lord shall haue the Ward, Guard, or custody of the body and of the lands so holden of him, to his owne vse, vntill they come to these ages; without making account to the heire when he or shee comes to age, as law bookes will tell you.

Wards what they are.

Lord. Then me thinks, the word as it is commonly vsed is improper, namely to call such an heire a Ward: it is more proper to say, he is in ward, and not a Ward.

Sur. I take it as you doe.

Lord. But what is the reason that the Lord should haue the land to his owne vse? why rather doe not the profits redound to the vse of the heire in his minority.

Sur. This kind of wardship had some reason for it in the

the beginning. For you muſt vnderſtand, that he whoſe ſonne or daughter is to be thus guarded, and his land to be diſpoſed by the Lord, was in his life time bound, by the Tenure of his land, to doe manly and actuall ſeruice in perſon, in the time of war: or to keepe a Caſtle, with ſome kinde of warlike weapon, in the time of warre and peace. And theſe kindes of capitall ſeruices, were called either Tenures *in capite*, as holden of the King, who is the chiefe, Eſcuage vncertaine, grand ſerieantie, or ſome other like ſeruice, and was called *ſeruitium militare*, ſeruice of a Souldier, now called Knights ſeruice; for the title of Knighthood came firſt by military ſeruice, and *Miles* ſignifying a Souldier, ſignifieth alſo a Knight, though euery Knight now be not a Souldier by profeſſion, yet euery approued Souldier is a Knight by imputation. For hee that holdeth by theſe ſeruices, though he be not a Knight yet the ſeruice is called Knights ſeruice. And theſe ſeruices were not to be diſcontinued, for to that end, were the lands firſt giuen by the King, and other inferiour Lords of Mannors, that they might haue the continuall ſeruice of their Tennants. And therefore whenſoeuer the Tenant of ſuch a Tenure dyed, hauing none to ſupply the place of like manly ſeruice, the heire being vnder age, and not of power, the Lord was, and is ſuppoſed to be bound for the defence of the Realme, to performe the ſeruice by a perſon, for whom he muſt anſwer in the heires minority. And becauſe the charge was in former times great and dangerous, and the land giuen onely for that cauſe, the Lord was to keepe the heire, & to ſee him trayned vp, and to be made fit for the ſame ſeruice: and for his maintainance and ſupply of the ſeruice, to haue the vſe and profit of his Land, vntill he became able to performe

What Tenure drawes Wardſhip.

The cauſe.

forme the seruice himselfe in person: and so farre I hold the heire hath no wrong in law, nor conscience.

Lord. I thinke this to stand with great reason: for if it had not bin thought reasonable, the lawes would not haue prouided in that case, as they haue done: as it appeareth by your relation.

Statutes for the confirmation of Wardships.

Sur. Many Statutes indeede haue beene made touching *Wards*, Mag. cart. ca. 4. 7. & 28 Marl. cap. 6. 7. 8. &c. Westm. 1. Westm. 2. and many Statutes since, to which I referre you, too long here to relate.

Lord. What needed you then to giue such a strict caueat touching Wards?

Sur. Truely, to put Lords and others, (into whose hands they often happen) in minde to be careful of their education and disposing: because many inconueniences follow, if their Guarders be not faithfull, and prouident for their well bestowing.

Lord. How, in bestowing?

Marriage of Wards.

Sur. In marriage. For the Lords haue the marriage, both of the Male and Female, if they be vnmarried at the time of their ancestors decease. And it falleth out many times, that partly for their land, & partly for their marriage, they are bought and sold, and married young, and sometimes to such as they fancie not, and when they come to riper iudgement. they bewray their dislikes too late, and there growes disparagements. And sometimes their education is so slenderly regarded, that when they come to gouerne themselues, and their families, their estates and patrimonies, they discouer what their education was, good or euill.

Three ends whereunto the good education of Wards tendeth.

Lord. There be three especiall ends whereunto the good education of such an Infant should tend, as I suppose. The first and principall, is feare of God, in true Religion: the second is, the benefit that the Common-wealth shall reape, by his

his vertues sufficiency: the third and last, the ability by which he may governe his family, and mannage his patrimony, for his best maintenance. But what can you now say, touching the second of these chiefe points? Namely, the presenting of Clarkes vnto Ecclesiasticall liuings, and how it commeth to passe, that our Lay-man (as he is called) may nominate and present a Clarke, to a Parsonage, Vicarage, or free Chappell, whose function is high, and diuine.

Sur. The reason why these *Lay-lords* of Mannors doe present, as aforesaid, is in right of the *Parsonage, Vicarage,* or *free Chappell*, belonging to their Mannors, and where the Lord of the Mannor is very and vndoubted Patron of such an Ecclesiasticall gift, he may make his choice of the Parson, or Vicar. Alwaies prouided, by diuine ordinance, and humane institutions: he must be *Idoneus*, fit for the place. Why Lords of Mannors doe present Clarks.

Lord. But lyeth it in the Lords power, onely to nominate and present such a one? and is it then sufficient if hee deeme the party fit?

Sur. No, he must be approued fit by his *Ordinarie*, the Bishop of the Diocesse, by whom he must be instituted and inducted.

Lord. Then is the Lord in his nomination, and presentation, cleared of offence to the Church, if the party proue after insufficient.

Sur. He is in some sort. But he is bound in conscience to be very circumspect in his choyse. For if any carnall consideration moued him to the party, he standeth not cleare before God, into whose stead he intrudeth himselfe after a sort in this case. But if he doe it in a godly zeale of the good of Gods Church, he will ayme onely to the vertues of the man, and not to any humane respect. For, although the party haue an higher probation, namely, by the *Bishop*, ch[illegible] which No carnall consideration must moue a Lord to present a Clarke.

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What a Patron must consider in his choise.

which is easily found by examination: But his qualities, conditions, and conuersation, by time and experience, and that must the presentor haue good triall of, before he either name him, or present him. For he is as it were the hand, that reacheth him forth to be receiued of the Church. A matter farre higher, and of greater moment, then euery man that couets *aduowsions* for such presentations sake, can reach vnto by their rashnesse. For if they waide the matter in the ballance of diuine iudgement, they should finde their vnderstandings farre too light to performe it as they ought. For if he proue vnprofitable, or scandalous to the Church, as too many doe, he that presented him so vnaduisedly, will fearefully answer it in time to come.

Lord. **Now surely, although peraduenture some may thinke these things digresse much from matters of Suruey, yet I hold thy words within the compasse of it, for these are necessary obseruations and admonitions to vs that are Lords of Mannors, and to whose lot it often falleth to performe this worke. And I hold thou hast in this, done no more then an honest Surueyor should, in aduising men, to be warie how they dispose of this part of their patrimony.**

A Parsonage or Vicarage no part of a Mannor.

Sur. Sir, I hold it neither part of their Patrimony, nor part of a Mannor, neither a thing vnto them of any aduantage to their person; the greatest benefit is, that he may vpon the vacation, appoint a worthy man to teach himselfe, and his Tennants, which as I conceiue it, is a sweet gaine: for by the godly Minister, he and they may gaine heauenly riches.

Lord. **As thou sayest, it is a great benefit, nay, it is a high blessing, to haue a godly teacher of the people: and it is the blessing of God on him, that hauing a godly care, findeth, nameth and presenteth such a one: and woe to him, that negligently**

gently or wilfully the contrarie. But what ſay you to impropriations? for they alſo are within the compaſſe of a Suruey, where the Lord takes the tithes, and nominates a Miniſter, Vicar, or other hireling, and he (oftentimes) vnworthy the turne, as is commonly diſcerned in too many places of this Realme. Impropriations

Sur. I know too many ſuch, the more to be lamented, and that in Mannors of great value, and pariſhes very populous: whoſe continued ignorance of diuine dueties, bewrayeth the originall to proceede, firſt from that *Satanicall beaſt*, to foſter monaſticall idleneſſe. And as a matter too high for me, to aime at the meanes of reformation, I reuerently leaue to their diſcretions, who haue authority to reproue it, and power to reforme it.

Lord. You ſay well: what elſe is there to be conſidered, touching the things incident to a Mannor?

Sur. Nothing Sir, that I now remember: but a matter almoſt out of vſe, a Tenure called *Villanage*: that is, where the Tennants of a Mannor were *Bond-men* and *Bond-women*, the men were called *Villaines*, and the women *Neiffes*. Tenure in Villanage.

Lord. It hath a baſe title: A Villaine is an approbrious name, howſoeuer it toke beginning.

Sur. As the word is now vſed and taken, it is indeede a word of great diſhonour: but the time hath beene, the word hath beene of no ſuch diſgrace. And it is now but as the thing is meant by the ſpeaker, and taken by him to whom it is ſpoken: although ſome ſay, that a villaine is *quaſi ſeruus*: which name indeed is of a more tolerable conſtruction in our common ſenſe, then is now the name of *Villaine*, which is indeede no more then *villanus*, a Ruſtique or Countri-man, which word is in ſenſe contrary to *Ciues*, or *Oppidanus*, but that ſince the Conqueſt Villaine quid.

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queſt by the *Normanes*, theſe *villani* became *mancipij*, bondmen: for where the Conqueror came and preuailed by force, there the Countrey-people became *Captiues* and *Slaues*: But *Kent*, which was not ſubdued by the ſword, but by compoſition, retained their freedome ſtill, as did alſo many *Cities*.

Villaines came by Conqueſt bondmen.

Lord. **Why then ſhould the name Villaine bee ſo odious, if it ſignifie but a Countrey-man: for there are many ciuill, and wealthy Countrey-men?**

Sur. Becauſe many of them endured vnder that name, many kindes of ſeruitude and ſlauiſh labors, vnder their Lords, as did the *Iſraelites* in *Egypt*. In Suffolke and other places, there is land called *maior tenura*, and the Tennants of this tenure did all kindes of ſeruile workes the Lord would impoſe: And another, called *Minor tenura*, which were not altogether ſo ſubiect to ſeruitude, yet had the name bond-men. There is alſo a Tenure, called *Backner-land*, which had a peculiar cuſtome, to doe workes in harueſt, for hire of a penny *per diem*, finding themſelues, or a halfepenny hauing meate; and whatſoeuer they poſſeſſed, was not theirs, but the Lords, before their infranchiſement.

Lord. **I blame not any man then, to take exceptions at the name: for he that would call me Villaine, and I were not, I thinke meant to bring me into like thraldome: but I thinke there be not many vnder this kinde of ſeruitude at this day.**

Many *Villani* at this day.

Sur. There are not: yet there be as many *Villani* as in times paſt, in that ſenſe, from which this word was firſt deriued: which as I ſaid, was from the place of their inhabiting the Countrey, and Countrey-villages and outfarmes. And a man may be called *Villanus* without offence, vnleſſe it be ſpoken in opprobrious ſenſe: for if a man ſhould aske a Scholler how he would call, or what adiunct

adiunct he would giue vnto a man, dwelling in a Countrey village or house: he would say he were *Villanus*, or *Villaticus*, a man belonging to a village, or to some Countreyhouse or Farme, for *Villa* signifieth a village, a Farme or a house out of a towne. *Cuius ego villam contemplans* (saith *Cicero*) whose Mannor or Farme I beholding. So in Cornewall, and some part of Deuon, a house in the Countrey is called a Towne. This I produce, to shew whence the word *Villaine* was first deriued. But the word at this day needes not to be so carped at, vnlesse the party doe the seruice of that *base tenure*, which vpon the Conquest was imposed vpon the Countrey people; as Salomon made all the *Amorites*, *Hittites*, *Hiuites* and *Iebusites* bondmen, vpon whom he imposed what taxe of goods, or labour of body he listed, 1 *King.* 9. 20. 21. Which kinde of seruice and slauery, thankes be to God, is in most places of this Realme quite abolished, and worne out of memory: yet some beare the marke, both in their ancient and new Copies, by this word *Tenens natiuus*, which signifieth a bond Tennant, or borne of the bloud, and yet it may be, their ancestors were manumised long agoe. And it were not amisse, that Stewards of such Courts, wherein such Copies are made, would be carefull in making their copies vpon Surrender of such a Tennant, whose ancestors euermore possessed the thing he surrenders: for when a free man shall take such a copy, vnder the name of *tenens natiuus*, he hath wrong, and I thinke it little materiall, if the word were generally omitted, where there hath beene an infranchisement: for the greatest argument for the continuance is, to maintaine the antiquity of the Mannor, and me thinks it were better that such an odious brand were cleane wiped

Villa signifieth a house, or Farme in the Countrey.

Tenens natiuus. in a Copie, a badge of bondage.

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wiped & raſed out of euery mans inheritance: although (no doubt) there are yet ſome within this Realme without manumiſſion, few knowne, but ſome concealed, and ſome (no doubt) haue beene by the act of their Lord freed, and neither their Lords witting of it, nor the Tennants taking preſent aduantage: for if the Lord buy or ſell with his bond Tennant, it is an immediate infranchiſement of the Tennant and his poſterity. And ſome haue voluntarily releaſed their Tennants of ſuch a ſlauery. An act of charity.

Charity, to free bondmen.

Lord. Truely I thinke it is a Chriſtian part ſo to doe: for ſeeing we be now all as the children of one father, the ſeruants of one God, and the ſubiects to one King, it is very vncharitable to retaine our brethren in bondage, ſith, when we we were all bond, Chriſt did make vs free. **I feare we are now moſt in bondage to pride, couetouſneſſe, gluttony, laſciuouſneſſe, drunkenneſſe, and ſuch; if men could free them from theſe, they might ſay they were indeede manumiſed, and truely infranchiſed: But for their abuſes, God threatens to giue a people into the hands of ſome tyrant, that may make vs bondmen againe: which God forbid.**

Sur. You ſay well, and I wiſh that all men would but truely deſire that manumiſſion, and that you that are Lords would be conformed to a moderate courſe of exaction vpon your Tennants bond or free, that you that are Lords may liue of your lands, and your Tennants by their labours in ſuch a meaſure, as you Lords ſhould not be too ſtrict in taking, nor they too backward in duety, but in a mutuall manner, you to be helpfull vnto them, and they louing vnto you. And by this meanes, ſhould your ſtrengths increaſe far more by their loue, then by your lucre, & their comfort grow as much by your fauour, as doth now their groanes vnder your greedineſſe.

A mutuall courſe between Lords and Tennants.

Lord.

Lord. **Me thinkes you conclude more ſharpely againſt Land-Lords, then is cauſe, for I am of opinion, there is little cauſe why Tennants ſhould ſo much grudge, as ſome of them doe. If they ſay their rents are raiſed, or complaine of the greatneſſe of their fines; let them enter into conſideration, how they vent their commodities: and they ſhall finde as great inequality of the prices of things now, and in times paſt, as is betweene rents and fines now, and in times paſt. And as far as I can perceiue, an obſeruing and painefull husband liueth, fareth, and thriueth as well vpon his Farme of rackt rent, as many doe that are called Freeholders, or that haue Leaſes of great paine for ſmall rent.**

Prices, Rents, and Fines in times paſt and preſent, not much vnequall.

Sur. There is ſome reaſon for it, which euery man either ſeeth not, or ſeeing it, doth not conſider it, or conſidering it, hath no will or power to reforme it. Some Freeholders, and the Leſſees of great things of ſmal rent, bring vp their children too nicely, and muſt needes, forſooth, Gentelize them: and the eldeſt ſonne of a meane man muſt be a young maſter; he muſt not labor, nor lay hand on the plough, (take heede of his diſgrace) he ſhall haue enough to maintaine him like, and in the ſociety of Gentlemen, not like a drudge. And when this young Gentleman comes to his land, (long he thinkes) he hath no leaſure to labour, for Hawking, Hunting, or Bowling, or Ordinaries, or ſome vaine or laſciuious, or wanton courſe or other, leauing plough and ſeede, and harueſt, and ſale to ſome ordinary hireling, who may doe what he liſt, if the poore wife be as careleſſe at home, as husband is abroad: And at his elbow he hath perchance ſome vaine perſons, that diſſwades from couetouſneſſe, and from too much frugality, and that he needes not to care for getting more; he hath no rent to pay, but ſome to receiue which will maintaine him: and when he is gone,

The reaſon why ſome Farmers liue as well as ſome Freeholders.

Young Gentlemen, Yeomen.

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gone, all is gone, ſpending is eaſier then getting. And thus by little and little roweth himſelfe and the hope of his poſterity vnder water, in the calme Sunne-ſhine of his pleaſures. Whereas he, that hath a rent to pay, is not idle, neither in heart nor hand: he conſiders the rent day will come, and in true labour and diligence prouides for it, and by his honeſt endeuors, and dutifull regard, gets to pay rent to his Lord, duties to the King, reliefe to the poore, and maintaines his eſtate more pleaſing to God, more obedient to the King, more profitable for the Common-wealth, and more truely contented in minde, then ſometimes his thriftleſſe Land-Lord. I inferre not yet by this Sir, that becauſe they ſometimes thriue well, that liue vpon rackt rents: therefore you Land-lords, ſhould impoſe the greater rent or fine: that were to doe euill, that good might come of it, nay rather, to do euill, that more euill may follow: for if there be not a meane in burdens, the backe of the ſtrongeſt *Elephant* may be broken. And the beſt and moſt carefull, and moſt laborious, and induſtrious huſband, may be ouercharged with the rent of his land. Happy therefore is that Tennant, that meeteth with a conſiderate Land-Lord, and happy is that Land-Lord, that may ſee his Tennants proſper and thriue, and himſelfe haue his due with loue. And on the contrary, I thinke it wil be very vnpleaſant to a good mind, to ſee his Tennant to be ouercharged & be forced to fall vnder the burthen of an ouer-heauy impoſition.

The Farmer cares to pay his Rent, and labours for it.

Happy is the Tennant that hath a good Land-lord.

Lord. Well, I haue heard all thy diſcourſe with patience: and indeede my deſire was to heare thée in theſe things, and I miſlike not any thing in thy whole relations, and thy concluſion is not amiſſe, though perchance ſome young nouices of the world might cenſure thée: reaſon will not but allow what thou haſt ſaid. And I wiſh that all the Tennants that I

haue

haue may liue vnder me with comfort: for to tell the truth, I had rather buy a simple, and a good report of my faithfull Tennants, something to my losse, then to get their frownes to my gaine. For there is no comfort in a discontented people, though some haue said: Rustica gens, optima flens, pessima gaudens, as if gens rustica did pungere vngentem, and vngere pungentem; namely, did abuse them that vsed them well, and were subiect to them that vsed them most hardly: which may hold among Infidels, and vnder Tyrants, but not among Christians, that should not grieue one another. A good resolution in a Landlord.

Sur. I am right glad, Sir, you are of so qualified a disposition, your example may doe good to others, if not, it will giue euidence against the contrary minded in time to come. And so for this time I must intreat you, I may take my leaue of you. I will attend your other occasions forthwith.

Lord. That is my will. But who comes yonder?

Sur. I take it it is your Tennant, that lately departed from vs.

Lord. So it is, I will leaue you two together: fare you well: You know the places where mine occasions will draw you, and in the meane time I will make you a warrant to goe in hand with it.

The end of the second Booke.

THE SVRVEYORS DIALOGVE, BETVVEENE the FARMER and SVRVEYOR: wherein is shewed the manner and method of keeping a Court *of Survey, with the substance of the Charge, and the* Articles to be inquired of, how to Inroll Copies, Leases and Deedes, and how to take the Plotte of a *Manner*.

THE THIRD BOOKE.

FARMER.

YOu are happily met here againe, Sir, haue you euer since had conference with my Land-lord.

Sur. Yea.

Farmer. He is a man of good vnderstanding, and very inquisitiue of things of profit. And yet to tell you truely, he is a good man to his Tennants.

Good Land-Lords deserue loue.

Sur. Loue him then, for such deserue loue.

Farm. He is beloued of his Tennants indéede: for they will goe, and ride, and fight for him.

Sur. It is the part of good Tennants, and an argument of a good Land-lord. But fare you well, I cannot now

now ſtay, I haue beene long letted by your Land-lord and you, and I haue preſent buſineſſe.

Farm. Are you preſently to vndertake the ſurvey of my Land-lords Lordſhips?

Sur. I am now going about it.

Farm. I thinke it be in your choiſe where to begin, let me therefore intreat you to begin with Beauland, a Mannor of his here at hand, whereof I am both Tennant and Bayly: and therefore I will and muſt attend you, and yeilde you my beſt aide, both by my trauell, information, and records of the Mannor.

Sur. Keepe you the Lords records.

Bayly. The key is in my keeping that leades to the Cheſt, but the key of the Cheſt is in my Lords keeping: but I will ſend for it, that you may haue the full view of the euidence.

Sur. So it behoooueth: for a Mannor can neuer be aptly or truely ſuruaide without the view of the *Euidence*, which diſcouer from whence the originall intreſt is deriued, how it is holden, by what *Tenure*, the *Cuſtomes*, and other ſuch neceſſary points, as not being knowne, the ſurvey (though in ſome things may be perfect) cannot be abſolute.

Bayly. But I remember ſome of the Euidences of this Mannor are in French, and ſome in Latine, ſo auncient as few can reade them.

Sur. They are ſo much the more certaine, by how much the more auncient. And it is a great defect in a Surueyor, if he cannot vnderſtand the French deedes, nor reade, nor vnderſtand the moſt auncient Records.

Bayly. Indeede it is neceſſary a Surueyor ſhould be able to vnderſtand them, though I thinke few of them doe.

Sur. No doubt many doe, and all ought, but ſome Lords are too curious in ſuffering the *Surueyor* to perviſe them, wherein they preiudice themſelues; for if they

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will not truſt a *Surueyor* to ſee the Euidence, let them neuer permit him to ſuruey their lands. Is this a large Mannor?

A Surueyor ought to ſee the Lords euidence

Bayly. It is ſpacious in circuit, and of great apparance of Tennants, full of diuers commodities, both vnder and aboue the earth, as alſo of fiſhing, and fowling, and beareth not the name for nought: for the Mannor is faire, and very commodious.

Sur. Be you then my guide: Is yonder it, with the faire houſe by the woods ſide?

Bayly. That is it, and a ſtately houſe it is indeede.

Sur. It ſeemes to be a large and lofty cage, if the bird be anſwerable.

Bayly. What meane you by that?

Great houſes with ſmall reuenewes, cannot ſuite well.

Sur. I meane, that a *Titmus*, may harbour in a *Peacockes* cage; and yet the cage maketh her not a *Peacocke*, but will be a *Titmus*, notwithſtanding the greatneſſe of the cage: So if this lofty Pyle be not equalized by the eſtate and reuenewes of the builder, it is as if *Pauls ſteeple* ſhould ſerue *Pancras* Church for a belfrey.

Bayly. I thinke my Land-lord ſent you not inſtead of ſurueying his Land, to deride his houſe.

Mart. lib. 2. Great houſes fit for great men.

Sur. The houſe is beautifull and faire: I deride it not, you doe your ſelfe wrong in attaching me, neither diſcommend I the builder. For he that hath gold enough, let him build a houſe of gold, with *Nero*, who made vnto it a pond *Maris inſtar*, and woods full of all kinde of wilde beaſts. *Publius Clodius* whom *Milo* ſlew, bought a houſe which coſt him 147000. *Seſterties.* Let Princes haue their Palaces, and great men their pleaſant ſeates: for the pooreſt will pleaſe his fancie, as farre as he may. But to tell thee by the way, (for this is but idle communication) that I haue obſerued in nothing more ſudden

and

and ſerious repentance, then for building: I could point out places and perſons to with my finger, but what needes that? I wiſh their repentance could redeeme the thing repented of, but it can no more doe it, then *Quintus Curtius* could redeeme himſelfe out of the deuouring gulfe. We haue in our daies many and great buildings, a comely ornament it is to the face of the earth. And were it not that the ſmoake of vaine-glory did raiſe ſo many duskie cloudes of ambition, to hinder the heate and light of the ſunne of good hoſpitality from the poore, it were more tolerable and more profitable.

Building often repented.

Many chimneis little fires.

Bayly. **The fire is made moſt in the kitchin.**

Sur. Then it beſmoketh not the hall, as old worthy houſes did, whoſe kitchins ſmoake ſent foorth clouds of good meate, and ſhowers of drinke for the poore, as filled many hungry bellies.

Bayly. **Yea, Sir, that was a comfortable ſmoake: but** Tempora mutantur, & nos fatuamur in illis: **no earthly thing continueth conſtant, but hath his change. Lo, Sir, now you are come to the houſe it ſelfe.**

Sur. Truly, here is a pleaſant aſcent, neither too ſteepe nor too flat, and of a good length. And now we are come to the top of the hill: here is a goodly proſpect and pleaſant. And theſe ſprings I like well. For a houſe without liuely water, is maymed: and the water is well conueyed, that it cannot annoy the foundation of the houſe, and yet ſerueth the moſt neceſſary offices very commodiouſly: and I ſee the conducts are made of earthen pipes, which I like farre better than them of Lead, both for ſweetneſſe, and continuance vnder the ground. The trees are well placed about the walkes, but that they are ſomewhat too neere together, their branches confound one the other, they are but twenty foot,

The beſt ſituation of a houſe.

Earthen Conducts.

and I like better thirty. It ſtandeth warme, and comfortable towards the South-eaſt, to which the beſt lights are made fitly to ſerue: but if the ground would haue ſerued, I like plaine South the better point, for the comfort of the Sunne, at all times of the yeare. And nature hath planted this wood moſt commodiouſly in the North ſide of the houſe. And it is delicately aduanced vpon the edge of the hill: it is not poſſible to ſeate a houſe more delightfully, for Winter and Summer, in mine opinion: eſpecially, if vpon view of the demeiſnes, and the reſt of the parts, it be not found like vnto a childe borne in *Cheſſhire*, with a head bigger than the body. Now to our buſineſſe: you are Bailiffe, take this Precept, & ſummon the Tennants to make their appearance, according to the purport of the ſame.

The forme of the Precept.

Beauland Manerium.

THeſe are to will, and in the name and behalfe of A. B. *the Lord of this Mannor, to require you to giue notice and warning vnto all and ſingular the Tennants of the ſame Mannor, that they, and euery of them, make their perſonall appearance on Munday next, being the tenth of this inſtant Iune, at the place where the Lords Courts of this Mannor are vſually kept: And alſo to warne them, and euery of them, to bring with them all ſuch Deedes, Copies, Leaſes, and other euidences, whereby they, or any of them doe hold, or claime to hold of the Lord of this Mannor any Land, Tenements, or Hereditaments: And that they then and there ſhew, or cauſe the ſame to be ſhewed vnto the Lords Surueyor, at the Court then, and there to be holden for that purpoſe; and to giue their*

their further attendance, as occaſion of the ſeruice ſhall require. Whereof faile you not, &c. Dated the 3. of Iune, in the fourth yeare of the raigne of our Soueraigne Lord, Iames by the grace of God, King of great Britaine, France, and Ireland, &c.

Per I. N. Superuiſ.

To the Bailiffe of the Mannor of Beauland, or to his Deputie.

Commonly the Lords of Mannors doe direct their owne letters of warrant vnto the Tennants, vnleſſe the Surueyor be a knowne *Surueyor* by patent, and performeth the ſeruice, when, and where he thinketh moſt fit for the Lords vſe.

The order of a Court Baron being performed (for a Surueyor hath not power to adminiſter an oath *ex officio*, vnleſſe he be a Surueyor by patent, or by commiſſion out of the *Chancerie* or *Exchequer*, *Duchie Court*, *Court of Wards*, or ſuch like) by a particular *Steward*, or by the *Surueyor*, who for the time may ſupply the *Stewards* office, and the charge of the *Court Baron* ended, the *Surueyor* may proceede to his admonition and charge, to the effect following.

Firſt, taking note of the names of euery Tennant, both Free-holder, Copie-holder, *Leaſee, and* Tennant at will, *in a paper, and a Iurie for the Surney, being impannelled, (after they be ſworne) the Surueyor may premoniſh them to the effect following, in words according to his owne diſcretion.*

It is to be noted, that it is fit all the Tennants be impannelled for the Court of Surucy, for the iurors of them is to anſwer for his owne Lands.

You that haue beene here preſently ſworne to per-

forme your vttermoſt dueties, in all the things that are and ſhall be giuen to you in charge, doe, or at leaſt you may conceiue, that as the *Court Baron* (the charge whereof you haue already heard) is with you ordinarily twiſe a yeare, and (if the Lord will) euery three weeks: this kinde of Court, which I haue now to admoniſh you in, tending to the ſuruey of the Mannor, hapneth not (perchance) in the time of mans age, though the Lord hath power, and (no doubt) occaſion to keepe it oftner. You muſt therefore ſhew your ſelues ſo much the more diligent in this, by how much more ſeldome you are troubled therewith. And it behoooueth you to call to minde, what by oath you haue aſſumed to performe, namely, all that ſhall be giuen you in charge, whereof part hath beene deliuered vnto you already: which being ſo ordinary amongſt you, it muſt needes be more familiar, than the things you haue ſeldome heard of. And for that this buſineſſe of *Suruey* ſtretcheth a little further then the *Court Baron*, let your due attention and examination, and faithfull preſentments witneſſe your true affections to the perſons, and ends to which the purpoſe of our preſent meeting at this time tendeth. The *particulars* inquirable are many, and of many kindes: but the perſons and ends few. The firſt is God, in whoſe preſence we all ſtand: *who loueth truth from the inward parts*, that is, when the *action* and the *will* concurre, and hateth diſſimulation. The ſecond is the King, whoſe we all are, vnder God, whoſe lawes we are to follow, as well in this buſineſſe, as in any other: for that it tendeth to the ſeeking and ſetling of *truth*, (the mother of true *peace*) betweene you and your Lord, in giuing both to you and him, what is equall and iuſt. The third, is the *Lord of the*

Mannor

Mannor, whoſe you are vnder *God*, & the *King*: and therefore requireth at your hands at this time, equall dealing, neither to diſcouer for malice, nor to conceale any thing for fauour to either party. The fourth, is your ſelues, whom you can in no better ſort befriend in this action, then to keepe your hearts and lips pure, in concealing or vttering: For there is as great a danger in concealing truth, as in vttering a falſhood. And there is no ſuch burden, as the burden of a guilty conſcience, which is laid on no man, but by himſelfe. And laſtly, the perſons to be conſidered in this buſineſſe, are your *poſterities*, whom your true, or falſe relations will either helpe, or hurt. The ends whereunto it aymeth, are firſt, to explaine vnto the Lord of the Mannor, what is his by the examination of your *Eſtates*, *Rents* and *Cuſtomes*, and to eſtabliſh you in all things that are rightly yours: both which being truely found, & duely recorded, cannot but preſerue amitie betweene you and your Lord: which ſhould be the principall end of all indeuours. And ſith *God is the firſt and the laſt*, and will be preſent in the beginning, in the middle, and in the end of all your conſultations, and will be a witneſſe for you, or againſt you, euen in your moſt ſecret counſels, ſet him before the eyes of your hearts: ſo ſhall you tremble to conceale *truth*, or vtter *falſity*, whether it be with, or againſt your ſelues, or deareſt friends, yea, or the Lord of the Mannor himſelfe: whoſe purpoſe in this ſeruice is, that the manifeſt truth might be confirmed, the hidden reuealed, and errours abandoned. And all this lieth in you, and at your hands it is required to ſearch, and by ſearching and examination to finde out: and found, to deliuer and preſent the whole, and not a part of your ſincere knowledges; for from

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from your mouthes muſt that be taken and had, which muſt be recorded for the direction of your *poſterities*, as a perpetuall glaſſe, wherein the eſtates of all the particulars within this Mannor, may be at all times ſeene and confirmed: wherein you ſhall diſcharge your duety to *God*, who commands, and commends *truth*: to the *King*, who by the *ſword of his Iuſtice*, maintaines *truth*: to your *Land-lord*, who deſireth only to know, & haue his owne: to your ſelues, who by this meanes ſhall *poſſeſſe your owne in peace*: and to your poſterities, who by this your trauell, diligence and true information, ſhall partake of your ſincere and faithfull ſeruice, being inrowled, and recorded vnder your names, to your perpetuall commendation: whereas if you delude me, and abuſe the Lord of the Mannor, that hath ſent me, I by your ſiniſter information may commit errour, and leaue it to your poſterities by record: yet ſhall I be free of the wrong, and you ſhall anſwer it. And if you ſhould frame any defence againſt the ſeruice, and pleade either ignorance, or ſhew obſtinacie, pretending thereby to ſtand diſpenced of your oath, becauſe you doe it not, you deceiue your ſelues: for the ſeruice is ſo inſeparably knit to your Tenures, and your Tenures to the Lord of the Mannor, as deny, or refuſe to doe the one, you forfeit the other: howſoeuer ſome may ſay, that they are *freeholders*, and they are *cuſtomary Tennants of inheritance*, which in their conceit implyeth a kinde of freedome: let them not deceiue themſelues, their eſtates are conditionall, as both by their *deedes* and *copies*, they may be eaſily reſolued, by theſe words: *Habendum ſibi & hæredibus ſuis* (in the deede,) *ad voluntatem Domini, ſecundum conſuetudinem manerij* (in the copie.) In both *proreditu & ſeruitiis inde prius debit.*

debit. Et de iure conſuet. And becauſe ſome of you doe not (perchance) vnderſtand the meaning of theſe words, of your owne Euidences, thus they ſignifie, that you are to hold your Tenements, to you and your heires, &c. (being of inheritance.) for ſuch rent, and doing ſuch ſeruices, as haue beene heretofore due, and of right accuſtomed. Is not this a condition? for if you pay not the rent, or if you denie the ſeruice, you are at the Lords mercy to be compelled. I doe not thinke therefore that any of you, of any diſcretion, will aduenture the loſſe of his intereſt, for not performing a ſeruice ſo iuſt and reaſonable at his Lords command, that tendeth alſo to his owne benefit, and to no preiudice at all, to himſelfe or his poſteritie.

The end therefore of all mine admonition is, to moeue you (being a thing of common right) to ſhew your ſelues like vnto your ſelues, true and faithfull Tennants vnto the Lord, concurring all in one minde, to doe the Lord this ſeruice in loue, and the Lord, no doubt, will recompence it with like fauour, although there be no recompence due for that which duety bindeth to be done. By this meanes you ſhall confirme your owne ſtrengths, by gaining and retaining the Lords kinde countenance: and he againe ſhall be the more fortified, by your true affections towards him: for what a ioyfull thing is it, for Lord and Tennant to dwell together in vnity? Now hauing thus prepared you to attention vnto the matters of your charge; I will here reade, and explaine vnto you ſuch *Articles*, as ſhall be for your inſtruction, and leaue them with you in writing for your better memory; for I know, and haue often found, that a bare deliuerie of many words, and of diuers things (as in the charges commonly

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monly giuen in *Courts Baron*, and *Leete)* euen to eares well prepared, may be little effectuall, leſſe to him that heareth, and regardeth not: but leaſt of all to him that will not regard or heare at all. Such hearers there are of diuine things, but many more of humane, of this kinde: but were they matters of carnall pleaſure and delight, they would be both heard and practiſed: And therefore I the more moue you to attend vnto the things which I now am to deliuer vnto you.

The ſubſtance of the charge of a Court of Surney, contained in the Articles following.

Beauland Minerium.

FIrſt, as no doubt you all know, that *A. B.* Knight, the reputed Lord of this Mannor, is the true and vndoubted *owner* of the ſame, and of all the Lands, Meddowes, Paſtures, and other hereditaments within and belonging to the ſame: And that you, and euery of you do hold your Lands belonging vnto this Mannor of him: if not, who hath the intereſt and right of the ſame, to your knowledges?

Owner of the Mannor.

Bounds of the Manor.

2. You ſhall duely and diligently ſet downe, or ſhew vnto the Surueyor in his perambulation of the Mannor, all the *circuit*, *buttes*, *bounds*, and *limits* of the ſame, and vpon what, and whoſe Mannors, Lordſhips, Lands, and Pariſhes it bordereth on all parts. And whether any confining Lord or his Tennants, doe any where intrude or incroach vpon this Mannor, where is it, by whom, and how much is ſo incroched.

As for the bounding of the Mannor it is fitteſt to be deliuered vnto the Surueyor, when he treads the circuit, and that the

the beſt experienced Tennants accompany him for information, and ſome of the youth, that they may learne to know the bounds in times to come.

3. Whether there be any other Mannor or Mannors lying within the limits or circuit, or extending in part into this Mannor, what are the names of the Mannors, and who are owners of them, and how are they diſtinguiſhed from this Mannor. And whether this Mannor doe any way extend into, or lye within any other Mannor. Mannors intermixt.

It is often ſeene, that one Mannor lyeth within another, and intermixed one with another, in ſuch ſort, as the true Circuites, Buttes, and Bounds, become confounded: neceſſary therefore it is, that their diſtinctions ſhould be carefully obſerued and recorded, for oftentimes one is deuoured, or otherwiſe iniured by the other, when Lords are remiſſe, and Tennants careleſſe, to bring that to certainty, which is, or may become doubtfull. And eſpecially where many Mannors lye intermixt, and one man holdeth Land, Copy or free of them all, there often times groweth confuſion, vnleſſe each part be well butted and bounded, for though he can ſay how many Acres he holdeth of either Mannor, yet he cannot diſtinguiſh the land, whereby ſome of the Lords cannot but be abuſed, or the Tennants wronged, as it is commonly ſeene and found, where one Tennant holdeth confining Lands of diuers Mannors.

4. What Freeholders there are within, or doe belong vnto, and hold their land of this Mannor, what are their names, what Land hold they, what Rent pay they, by what Tenure doe they hold, and what ſeruices owe they to the Lord? Freeholders.

Freeholders *are of diuers kindes, of diuers Tenures and ſeruices. And the negligence of Lords in the due continuance of the ſubſtance of this Article, hath bred preiudice to many: for where*

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where Freeholders dwell out of the Mannors whereof they hold and pay vnto their Lords but a ſmall acknowledgement, as a roſe, a pepper corne, a Iyllyflower, or ſome ſuch trifle: or are to doe ſome ſeruice at times, whereof in many yeares hath beene no vſe, as Knights-ſeruice, Serientrie, or the like, to be done in the time of warres, they haue not been looked for, neither haue their ſuites beene continued for long time, inſomuch as they and their Tenures haue growne out of memorie, and their ſeruices out of vſe, and other Lords haue intitled themſelues to the land, and the right Lord loſt all poſſibilities of eſtate, wards, marriage, &c. As common experience maketh more plaine, by the daily queſtions and ſuits, which riſe, when profits apparent may grow by any of the former caſualties.

Littleton Ten. Titl. Socage cap. 5.

And therefore it is moſt neceſſarie to haue alwaies a true ſuite-roll, whereby the Steward ſhould euery Court call the Freeſuitors by name, and to expreſſe what rent he ſhould pay, and what ſeruices he ought to doe, and that at the death of euery ſuitor, his heire with the land, rent, tenure, and ſeruices, would be inſerted in his ſteede. The profit that will hereby grow vnto the Lord and Tennants, is manifeſt, namely, to the Lord, the poſſibilitie of eſcheat, Ward, Marriage, reliefe &c. and to the Tennant a certaintie of whom and how he holdeth, and this roll is to be made by the Surueyor, and to be indented, the one for the Lord, the other for the Tennants, vpon view of euery Freeholders euidence and land,

Felony, Treaſon.

5 Whether any Freeholder within or belonging to this Mannor, hath committed any felony or treaſon, and hath beene thereof conuicted, the Lord not yet hauing the benefit of the forfaicure: or whether hath any ſuch Tennant died without heire generall or ſpeciall: If ſo, who hath the preſent vſe and poſſeſſion of the Land, and

and by what right, what land is it, where lieth it, how much in quantity, and of what value?

It is a great defect in the Survey of a Mannor, which remaineth to posterities, being inrolled or ingrossed for perpetuall memorie, when the Surveyor doth superficially passe ouer the obseruation of the lands of euery Freeholder, their Tenures, quantity of land, the place where it lyeth, the rent and seruices: For vpon sundry necessary occasions, the Lord is to seeke in euery of these: and some are worthy, because they loue not to be at charge to find out and continue that which is not presently profitable.

6 Whether doth any bastard hold any land belonging to this Mannor, as heire vnto any, what is his name, what land is it, and where lyeth it, and what is it yeerely worth? Bastard.

A Bastard though he be knowne to be the sonne of that father that leaueth him the land, cannot inherit iure hæreditario, *but by conueyance. Neither, if he purchase land in his owne name, can any inherite it after him of his supposed bloud, vnlesse he be married, and haue children lawfully begotten to inherite: Because it is* contra formam ecclesiæ, *as appeareth more at large. Merton. cap. 9. For a Bastard is no mans, or euery mans sonne or daughter: Yet if a man take a wife that is with childe by another man, that was not her husband, after the childe is borne it shall be reputed* Mulier, *and no bastard, though it be not the sonne of the husband.*

7 What *demeisne lands* hath the Lord within or belonging to this Mannor, what and how much woods, vnder-woods, Meddow, pasture, arable, moores, marshes, heathes, wastes, or sheepe walkes: And what is euery kinde worth yearely by acre, how many sheepe may the Lord keepe vpon his walke winter and summer, and what Demeisnes.

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what is a ſheepe gate worth by yeare, and what is euery acre of wood worth to be ſold?

Although this Article, and ſundry other hereafter mentioned, be in ſubſtance enacted by a Statute made Anno 3. Ed. 1. called extenda Manerij, *to be enquired of by the Tennants, yet it is the part and office of a Surueyor, to ſee, examine, and iudge by his owne experience and knowledge, euery particular, comparing the Iuries preſentment with his owne opinion: ſo ſhall he more truely attaine to the true vnderſtanding of the things he ſeeketh: and the more, if he diſcreetly feele the mindes of forraine inhabitants, that are ignorant of the cauſe of his inquiſition.*

Demeiſnes in common Fields,

8 What *demeiſne lands* hath the Lord lying in the *common fields* of the Mannor, how much in euery field, and euery furlong: And what is an acre of ordinary field arable land worth by the yeare? The like you are to preſent touching demeiſne meddow, lying in any common meddow within the Mannor.

Common Fields, and common Meadowes.

9 Alſo you are to preſent the names of all your common fields: and how many furlongs are in euery field, and their names, and the common meddowes, and their names. And what beaſts, & ſheepe, euery Tennant ought to keepe vpon the ſame, when the corne and hay is off: And what a beaſt gate, and ſheepe gate is worth by yeare: Alſo at what time your fields and common meddowes are laid open: and how are they, or ought to be vſed. And whether is it lawful for the Tennants, to incloſe any part of their common fields or meddowes, without the licenſe of the Lord, and conſent of the Tennants.

This Article is duely to be conſidered, firſt in ſetting downe in certainty, what euery man is to keepe vpon the fields, and common meddowes, becauſe iniury is daily done by ſome of

of greateſt ability, to the meaner ſort, in oppreſſing the fields, with a greater number of Cattle, then according to a true proportion will fall vnto their ſhare, which is very extortion, and a puniſhment is to be inflicted vpon the offenders.

Alſo incloſers of common fields, or meddowes in part, by ſuch as are moſt powerfull and mighty, without the Lords licenſe, and the Tennants aſſents, is more then may be permitted: the reaſon is, that the reſt of the Tennants haue as much right to euery herbe, and graſſe within the ſame, when the corne is off, as he hath that encloſeth the ſame.

Baily. But Sir, if they lay it open at Lammas, or at ſuch time as cuſtome requireth, I thinke he doth neither Lord nor Tennants wrong.

Sur. *Yes. for firſt, he depriueth them both of the feed, of as much as his hedges, ditches, and incloſures take: beſides, whether is it as conuenient for paſſe and repaſſe of Cattle at one little gappe or two, as when there is no eſtopell at all?*

Baily. You like not incloſures then.

Sur. *I doe, and I thinke it the moſt beneficiall courſe that Tennants can take, to increaſe their abilities: for one acre encloſed, is worth one and a halfe in Common, if the ground be fitting thereto: But that Lords ſhould not depopulate by vſurping incloſures. A thing hatefull to God, and offenſius to men. But if the waſts and vnprofitable commons in England were incloſed and proportionably alotted, it would feede more people by good manurance then any one ſhire in England.*

10 What *Commons* are there within the Lordſhip, which doe properly belong to the Lord and Tennants of this Mannor, and how are the Tennants ſtinted, whether by the yard-land, plow-land, oxegang, acres, or rent: how many may euery Tennant keepe, after either proportion or rate? Commons.

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In this, the like consideration is to be had, as of the former: but that this kinde of pasture is called in the statute of extenta Manerij, 3. E. 1. Pastura forinsica, *Forraigne herbage or pasture, because no part of it is proper in any sort to any peculiar Tennant, no not to the Lord himselfe, as are the common fields and common meddows. This kinde of Common or* pastura forinsica *is in three sorts: the one is, where a Mannor or Townshippe hauing and holding their land in seueralty, haue by consent limited a certaine parcell of ground, to lye common among them, and from the beginning haue stinted euery man according to a proportion betweene them agreed, and that is commonly by the acre, which the pasture containeth.*

Another manner of such kinde of Common pasture is, where certaine waste grounds, one, two or more lye within the Mannor or Towne-shippe, and the Heard *of the whole Towne is guided and kept by one appointed by the Tennants, and at their generall charge, to follow their Cattle: in which kinde of pasture, there is also a limitation or stint both of the number, and kindes of Cattle and this most in the north parts.*

A third kinde of this pasture, or common feeding is, in the Lords owne woods, that lye common to the Tennants: as also common Moores or heathes, that were neuer arable.

In all the former commons of pasture, there should be a certaine stint and allotment, both to the Lord & his Tennants: but in this latter, it seemeth that the Lord should not be limited, because all these latter commons are supposed his owne, and the Tennants haue no certaine parcell thereof laid to their holdings, but onely bit of mouth with their Cattle: But the Tennants ought to be stinted in all sorts of common, lest, as I said before, the rich deuoure the poore: for the one can prouide sheepe, and other Cattle for the summer, and haue incloſed pasture for the winter, or can sell againe when the forraigne

pasture

paſture is gone: but the poore cannot doe ſo.

Commons *againe may be diſtinguiſhed into* Commons in groſſe, Common appendant, Common appurtenant, *and* Common by way of neighbourhood, Common in groſſe *is where a man by deede graunteth vnto another common of paſture.*

Common appendant *is where a man is ſeiſed of land, to the which he hath common for ſuch beaſts as ſerue for compoſting of his land, wherein Geeſe, Goates, and Hogs are exempted, and this kinde of common, is by preſcription as an appendix or addition, only to arrable land, & not to any other.*

Common appurtenant is in the ſame nature, but with greater liberty, becauſe it is for all kinde of cattle, hogs, goates, &c. as for other kindes. And this common may be made at this day, and may be ſeuered from the land to which it is appurtenant, and ſo cannot common appendant be.

Common by neighbourhood, is where the Tennants of two Lords, or more, adioyning, doe enter common either vpon other with all commonable cattle. But one may not put his cattle vpon others commons, if they doe, an action of treſpaſſe lyes.

11. Whether hath any man to your knowledges incroached any part of *the Lords waſte*, by incloſure, or adding any part thereof to his owne land: preſent who hath ſo done, where, how much, and how long it hath continued. Incroching the Lords waſte.

This kinde of incroachment is not rare, eſpecially where great waſtes and montanous grounds are, where the Lord nor his officers walke not often, and where Tennants, for fauour or affection will wincke at euill doers, or for their owne priuate lucre, commit the ſame errour themſelues, with hedges, ditches, pales, wals, ſhedds. &c.

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Parke, demeſn woods.

12. Whether hath the Lord any *Parke*, or *demeiſne wood*, which by ſtocking may turne to the Lords better benefit, by *paſture, arable*, or *meddow*: and what is an Acre worth, one with another the ſtocking, and how many Acres is the Wood, and what will an Acre of the Wood be worth, & what will an Acre of Land be worth by the yeare to be let, when the ground is ſtocked and cleared.

Although it be the part of the Iurie, to yeelde their opinions in this caſe, yet it behoueth the Surueyor to haue ſo much iudgement, in euery of theſe points, as he may be able to ſatiſfie himſelfe and his Lord, by ſufficient reaſons, leaſt he be deceiued, and the Lord abuſed, either through ignorance or partiality. And aboue all it behoueth the Surueyor, to looke into the nature of the ſoyle of the Wood: for there are ſome Wood-grounds that are good for no other vſe, as a dry or cold grauelly ground, whoſe vertue and diſpoſition may be eaſily obſerued by the herbage.

13. Alſo you muſt preſent the names of all *cuſtomary Tennants*, within or belonging vnto the Mannor, what Meſuages, Tenements, or Lands they hold, and what euery Meſuage or Tenement is called, what Rent it payeth: and what profit ariſeth to the Lord, by the death of any ſuch cuſtomary Tennant, or by the death of any Freeholder, by Fine, Heriot, or Reliefe, by the cuſtome of the Mannor.

Cuſtomary Tennants.

Commonly theſe cuſtomary Tennants, vpon death and alienation doe pay a fine, which in ſome places is certaine, and in ſome, euen in the moſt, they are at the Lords will: and in moſt places they are alſo heriotable.

Bayly. In this Mannor there be ſome cuſtomary Tennants heriotable, and ſome not, how comes that? can there be two cuſtomes in one Mannor?

Sur.

Sur. There may be ſo. And the reaſon may grow by the eſcheating of a Mannor, that had in this point a contrary cuſtome to the Mannor to which it was eſcheated and annexed: and ſo the cuſtomes of either may hold vnder one Court.

Bayly. Your reaſon is good: and I take it, it may alſo be, that theſe that pay no heriots, are Tenements of a newer erection, & ſo vpon their firſt grants, the heriots were omitted.

Sur. That is not ſo likely: for that if any ſuch new erections were, they were granted in ſuch forme as other Tenements, with theſe words: *Habendum, &c. ad voluntatem Dom. ſecundum conſuet. Manerij*: which words doe imply all duties and ſeruices, which the moſt auncient Tenements are bound vnto.

There is alſo a Copy-hold eſtate, called ancient demeiſne, *and the Tennants,* Sokemains, *whereof ſome are of frank-tenement, and ſome of baſe tenure. Tennants of Baſe tenure, are they that hold by verge, at the will of the Lord, and the frank tenement thereof is in the Lord.* Briton. fo. 165.

It is to be noted, that Copy hold lands are very auncient, before the Conqueſt, in the Saxons time, who called this kinde of land, Folkeland, *and their Charter lands were called* Bokeland.

14. How doth the cuſtomary land of this Mannor, by your cuſtome, deſcend after the death of an Auncеſter, to the yonger or elder ſonne? And whether will the cuſtome of the Mannor allow an intale by copy, and whether doth it beare widdowes eſtate, or whether may ſhe haue it during here life, though ſhe marry: and whether may a man hold by the courteſie, or as long as he holds himſelfe widdower. Deſcent of Cuſtomary Land.

Sundry differences there are in ſundry Mannors, touching

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the ſubſtance of this Article.

The cuſtome of ſome Mannors is, that the youngeſt ſonne ſhall inherite, as in Burrow Engliſh: *if he haue not a ſonne his youngeſt brother, as at* Edmunton *in Middleſex. In* Otterie Saint Marie *in* Deuon, *the Land which is cuſtomary of inheritance, deſcends to the youngeſt Sonne or youngeſt Daughter.*

In the ſame Mannor, a man that holdes that kind of Land in right of his Wife, and ſhe dye, the Husband liuing, he ſhall inioy the Land as long as he liues vnmarried, though he haue no iſſue by her. The like cuſtome is there in a Tenure called Fiue acre land, *and deſcends likewiſe to the youngeſt Sonne or Daughter.*

In the ſame Mannor, there is a Tenure called old Burton Land, *which deſcendeth to the eldeſt Sonne or Daughter, and the wife of ſuch a tenement ſhall hold, during her life, though ſhe marry. And the husband of a wife inheritrixe of that land, ſhall hold after the death of his wife as long as he is vnmarried.*

Heire. *The cuſtome of ſome Mannors is, that all the ſonnes, and all the daughters ſhall inherite alike, as in* Gauelkind.

The cuſtome of ſome Mannors is, that if the Tennant die ſeized of fiue acres or vnder, then the youngeſt ſonne ſhall inherite, but if aboue, then all the ſonnes ſhall inherite.

The cuſtome of ſome Mannor is, that neither the wife ſhall haue dowry, neither the husband hold by Courteſie. And the cuſtome of ſome other Mannor is, that ſhe ſhall haue the third part of the rent, as at Buſhy in Middleſex, and no part of the land in dowry.

In ſome Mannors, the wife being a virgin at the time of her marriage, ſhal haue al the Copy-hold land for her franck banck, whereof her husband died ſeized. And many ſuch. At Kilmerſdon

merſdon in Summerſetſhire, the wife hath widowes eſtate, and if ſhe marry ſhe looſeth the land, but if ſhe be found incontinent, and come into the next Court riding aſtride vpon a Ram, and in open Court doe ſay vnto the Lord, if he be preſent, or to his Steward, theſe, or words to this effect,

For mine arſes fault I take this paine,
therefore my Lord let me haue my land againe.

ſhe is by the cuſtome to be reſtored vnto it without further Fine, doing this penance: the like hath beene in Sunning in Barkeſhire, and in many other Mannors. In the Mannor of Cheltenham in Glocſhire, there is a cuſtome, that a man cannot marry his daughter to any man, neither can a widdow marry without the Lords liſence: And if a man by his wife haue neuer ſo many children, and dye; his widdow may marry another man, and he ſhall carry away all the land after the death of his wife, from all the former children: And he may marry againe be he 100. yeares old, with a girle of ſixe or ſeauen yeares, and ſhe ſhall carry away the land from all the heires.

Bayly. These are ſoolish and vnreaſonable cuſtomes.

15. Whether are there any *Cuſtomary Tenements* that are *heriotable* diſmembred, and deuided into parcels, to the weakening of the Tenement, and who be they, that haue theſe heriotable parcels, and what quantity hath euery of them? Heriotable Tenements diſmembred.

Although there be no immediate profit can accrue vnto the Lord, by the preſentment of the ſubſtance of this Article, yet it behoueth the Lord to know, who be the Tennants to any part of the land, belonging to an heriotable Tenement, becauſe euery part continueth heriotable, and draweth vnto the Lord the beſt beaſt of the Tenement, of ſuch land, deceaſing, though the land, in regard whereof he payeth it, be but an acre, and he haue elſewhere free or copy, that maintaineth horſe, or

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other cattle of great value, the Lord may ſeize the beſt for his heriot, due for that acre.

Fines. 16. Whether are not the *Fines for admittances* of a new cuſtomary Tennant, being heire, or comming in by purchaſe, or vpon Surrender, at the will of the Lord, or are the fines alwaies certaine?

This is an Article, whereat many Tennants ſeeme to ſtagger, being the nature of all men to fauour themſelues, and their poſterities, and to worke ſo, as they may (if it be poſsible) make the Fines certaine, by looking back into times paſt, wherein they haue found by old Records, and by report of Tennants before, that the Fines haue beene certaine, and ſo they may be in ſome places, though in few at this day. And it may be, former times did afford ſuch fauour, vntill land became of more value: but of late yeares, that courſe hath beene broken, and Fines become arbitrable. Wherein I wiſh, that Lords and their miniſters would vſe a meane in exacting.

Forfaiture of Copyhold. 17. How, and by what meanes may a *cuſtomary Tennant forfait his Copy-hold Tenement?* whether for telling of timber trees, plowing vp ley grounds, or meddowes neuer tilled before, or for ſuffering his houſes to decay, or for pulling downe any houſes, or for committing any other wilfull waſte, or deuiſing his cuſtomary Tenement or lands, for longer terme then the cuſtome of the Mannor will beare: Or for committing any other act, contrary to the cuſtome of the Mannor? And whether hath any Tennant of the Mannor offended in any of the former things? who is it, and wherein is any ſuch offence committed.

Diuers Acts there be, whereby a Tennant in one Mannor may forfait his Copy-hold Tenement, which act is no forfaiture in another Mannor. For cuſtomes are very different in

in diuers Mannors: for in ſome Mannors a man may cut down wood and timber trees vpon his Copy-hold land, and ſell them at his pleaſure, which in ſome Mannors is a forfaiture.

Some Mannors doe allow the Cuſtomary Tennants of the ſame, to let their land for three yeeres, ſome for more, without the Lords licenſe: and in ſome Mannors to let the ſame aboue a yeere, is a forfaiture; wherein is admitted an intollerable errour in many places, namely, a Tennant hauing let his land for a yeare, lets it a ſecond, a third, &c. which is a meere deceit: for he ought to let it one yeare, and vnleſſe he haue licenſe, he is to take it into his hands one whole yeare before he let it againe.

In ſome Mannors a man may let fall all his cuſtomary houſes, which in ſome other Mannors is a forfaiture.

In ſome Mannors a man may not plow vp or ſow his Copy-hold Meddow, or ley ground, that hath not beene vſed to be tilled, in ſome Mannors contrary.

So that theſe kinds of forfaitures are according to the cuſtome of euery Mannor, which yet Tennants will indeuour to wreſt.

18. What are the cuſtomes of the Mannor in gene- Cuſtomes.
rall, both in the behalfe of the Lord, to performe or ſuffer to the benefit of his Tennants, and of the Tennants to performe to the ſeruice of the Lord.

In the beginning of euery Mannor, there was a mutuall reſpect of aſſiſtance, betweene the Lord who gaue parcels of land whether in fee, or to hold at will, or vpon other conditions, and the Tennants of euery nature, for ayding, ſtrengthning, and defending each other: the continuance of which firſt propoſed courſe, hath bred that which is now called cuſtome, by the fauour of time. And thereby that which at the beginning came ex gratia Domini, *is now maintained by ſtrong hand againſt*

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againſt the Lord, and what came of a voluntary conſent of ſeruice of the Tennant to the Lord, the Lord may exact of his Tennants by law: and either in right of the cuſtome due to other, conſtraineth each other to doe that, which in the beginning was of either part voluntary.

Cuſtomes are of diuers kinds, and diuerſly to be performed. Some in the courſe of inheriting of land, ſome in the way of womens dowries, ſome in the eſtates of land, ſome in matters of forfaitures, ſome in workes, ſome in rents, ſome in fines, ſome of the Lords beneuolence in allowing his Tennants meat, drinke, money, &c. in time of their workes: as theſe cuſtomes in ſeuerall Mannors, ſeuerally are allowed.

Mannors themſelues may haue ſtrange commencements and continuance, as the honour of Raylie *in Eſſex, which hath a Cuſtome Court kept yearely the Wedneſday next after Saint Michaels day; the Court is kept in the night, and without light, but as the Sky gines, at a little hill without the Towne, called the Kings hill, where the Steward writes onely with coales, and not with incke: And many men, and Mannors of great worth hold of the ſame, and doe ſuite vnto this ſtrange Court, where the Steward cals them with as low a voice as poſſibly he may; giuing no notice when he goes to the hill to keepe the ſame Court, and he that attends not is deepely amerced, if the Steward will.*

The title and entry of the Court is as followeth, viz.

Rayleigh Honor.

Curia de Domino rege
Dicta, Sine lege,
Tenta eſt ibidem,
Per eiuſdem conſuetudinem
Ante ortum ſolis

Lucem

Luceat niſi Polus
Seneſcallus *ſolus*,
Scribit niſi colis.
Clamat clam pro Rege,
In Curia ſine lege.
Et qui non citò venerit
Citiùs pœnitebit,
Si venerit cum lumine
Errat in regimine.
Et dum ſunt ſine lumine
Capti ſunt in Crimine,
Curia ſine Cura
Iurata de iniuria.
Tenta eſt die Mercurii,
prox poſt feſtum Sc. Michis.

But for particular Mannors, as the cuſtomes of them are many and diuers: So it behoooueth euery Tennant to know whereunto he is bound by cuſtome, if there be no auncient cuſtome roll to lead them, it behoooueth the Surueyor to renew the ſame, wherein he is to ſet downe euery Tennants name, his Tenements, Lands, Meddowes, Paſtures, &c. the rent and ſeruice due for euery of them, and whether works be turned into Rent, and to indent the ſame, that the Lord may haue the one part, and the Tennants another. The neglect whereof hath bred many inconueniences, both to Lords and Tennants, by quarrels and ſuites. C

19. Whether is there within this Mannor any *Villaine or Neiſe*, namely, any *Bond-man or Bond-woman*: if there be, what are their names, what land doe they hold, and what is the ſame yearely worth, and what goods poſſeſſe they. Villaines and Nieſes.

Although

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Although this kinde of Tenure be in manner worne out of vſe, yet ſome there are (no doubt) though concealed in ſome Mannors, neuer infranchiſed or manumiſed.

Remouing of Meeres or bounds.

20. Whether hath any Tennant or other perſon within this Mannor *ſtocked vp any hedge-row, plowed vp any Baulke, or land ſhare, remooued any Meere ſtone, land marke,* or other bound betweene the Lords demeiſne and the Tennants Free-hold, or cuſtomary land of inheritance, or betweene his Free-hold and cuſtomary land, or betweene this, and another Mannor or Lordſhip, where is any ſuch offence committed, by whom, and where ought the ſame bound ſo remooued, altered, taken away, or diſplaced, to ſtand. *Salomon* counſelleth not to remoue the auncient bounds which our fathers haue made, *Prou.* 22. 28.

This is a neceſſary Article to be duely conſidered, becauſe that by this meanes of remouing, or taking away Meere ſtones *and* land markes, *the Lord often times incurreth great preiudice: for that when a Leaſſee of the Lords demeiſnes being either a Free-holder, or a cuſtomary Tennant of inheritance, hath land of his owne adioyning vnto the demeiſnes, or intermixt, and he take away the marks of diuiſion, leaueth the matter doubtfull which is the Lords, eſpecially where a long leaſe or patent is, whereby the Tennant hath time to make alteration: and it is no new or ſtrange thing, to attach ſome by name and place, that are culpable, and haue yeelded to reformation, being found out before their intents were fully ripe. And aboue all, ſuch are moſt worthy to be puniſhed, for altering any ſuch knowne markes, vnder whatſoeuer pretence of eaſe or neceſſity, which is the common cloake of the miſchiefe, vſed moſt in the Kings lands, where long patents are graunted.*

Cotages.

21. What cuſtomary Cotages are there within this Lord-

Lordſhip, *toſts*, *croſts*, or *curtilages*: What are the Tennants names, what Rent pay they, and what ſeruices doe they?

It is to be vnderſtood, Cotagium, *ſignifieth as much as* calum, *a little houſe, or a place of abode onely, or a little dwelling, whereunto little ground belongeth, but an Orchard, garden, or ſome ſmall toft, croft, or curtelage: but Cotages of themſelues are not auncient, as I take it: a toft is a little peece of land, vpon which ſometimes was ſituate a dwelling houſe, and in Lincolneſhire a Cottage is called a toft: A croft is a little pitle, pingle, or ſmall plot, neere a dwelling houſe.*

22. Whether are there within this Mannor, any *new Tenements or Cotages, Barnes, Wals, Sheddes, Houels, Hedges, Ditches*, or ſuch like erected, ſet vp, or made: or any *Watercourſes*, or *Ponds*, digged vpon any part of the Lords waſte, without the Lords licenſe: where is it, and by whom was it done, and by whoſe licenſe, and vpon what conſideration?

The ouermuch liberty of too many new erections, breedeth ſundry inconueniences, not onely to a Mannor, and the Lord, and Tennants thereof, but to a whole Common-wealth, and therefore not to be permitted without good conſideration: although it is moſt conuenient that the poore ſhould haue ſhelter and places to ſhroud them in, if they be found honeſt, vertuous, painfull; and men of ability to gaine their owne and their families reliefe.

But it is obſerued in ſome parts where I haue trauelled, where great and ſpacious waſtes, Mountaines, Woods, Foreſts, and Heaths are, that many ſuch Cotages are ſet vp, the people giuen to little or no kinde of labour, liuing very hardly with Oaten bread, ſowre whay, and Goates milke, dwelling far from any Church or Chappell, and are as ignorant of God, or

New Cotages ought to haue foure acres of Land.

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of

of any ciuill course of life, as the very Sauages amongst the Infidels, in a manner, which is lamentable, and fit to be reformed by the Lord of the Mannor.

Indentures. 23. What Tennants are there within this Mannor, that doe hold any lands or Tenements by *Indenture of lease:* what are their names, what land hold they, for what rent, vnder what conditions and couenants, for what terme of yeares, or liues?

This Article is most especially to be obserued, touching the couenants by view of the Tennants leases, but the Iurie is to finde the names, and to present them with the land and rent as farre as they can learne.

Iustments. 24. Whether hath or doth the Lord imploy any land to *iustment*, as in taking in cattle to pasture and herbage: who hath the disposing of the same, what quantity of land is so disposed, and how many cattle will it pasture, and what is a Cowe, Oxe, Horse, or Sheepe-gate worth by the yeare, or by the weeke, within this Mannor?

Much Land is thus vsed in Yorkshire, and other places Northward, more beneficially then to stocke it.

Custome Mill. 25. Whether hath the Lord of this Mannor any customary *Water-mill, Wind-mill, Horse-mill, Grieſt-mill, Mault-mill, Walke-mill, or Fulling-mill?* Whether is there within this Mannor any other Mill, *Iron-mill, Furnace, or Hammer, Paper-mill, Sawing-mill, Sheere-mill*, or any other kinde of Mill: what is it worth by yeare, and in whose occupation is it?

Where sufficient riuers, brookes, stagnes, ponds, or Watercourses are, there are commonly some kindes of Mils, or other profitable deuices, that humane wit and inuention hath set vp for necessary vses, for the benefit of man, and for the Lords profit of the Mannor, where such deuises are erected. And yet

all

all kindes of deuices are not conuenient in all places: as where no Lead, Tinne or Cole is, there is no neede of the vſe of water, to moone a wheele, to blow the fire for the melting and trying thereof: yet there may be like vſe for Iron Oare: and where neither of them is, there may be vſe of Walk-mils, or Fulling-mils: and where thoſe are not, yet there may be vſe of Corne-mils, and ſuch like. And in ſome places the force of Water courſes is vſed to raiſe water out of one place into another, where the naturall current denyeth the comming, and mounting thereof: with infinite other deuiſes, according to the ſituation of the place, and neceſſity of the thing required. Which, though they be not all Mils to grinde corne, yet may they bring profit to the Lord, which is the thing the Surueyor ſhould couet, not onely to obſerue what is already, but muſt haue alſo ſome iudgment to erect ſome, if the water-courſe wil conueniently afford the ſame to encreaſe the Lords reuenues.

To the Corne-mill, which are cuſtome Mils, doth belong a kinde of duety from the Tennants, that is, that they are bound to grinde their corne at the Lords Mill: and that kinde of cuſtome is called Socome. Socome.

Bayly. Muſt a cuſtomary Tennant of a Mannor, where ſuch a Mill is, be forced to grinde all the corne he ſpendeth in his houſe, at the Lords Mill?

Sur. Of neceſſity, if it grow vpon the Mannor: or elſe the Lord may amerce him for his default.

Bayly. What if he be forced to buy it in the Market?

Sur. Surely then it is a queſtion, whether he be bound to grind it there or not. But I take it, he is at liberty, to grind it where he will, euen where he finds himſelfe beſt ſerued. For there is *bond-Socome*, that is, where the Tennant is bound by cuſtome, and *loue-Socome*, where hee grindeth of free-will.

Bayly.

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Baily. We that are Tennants would be glad, if you could tell vs, what toll our Milner may take: for wee are much abused in it, as we thinke, and because we be bound by custome, wee cannot conueniently leaue the Mill, and yet wee finde no remedy of the Milners abuses.

Sur. As touching *Toll*, (which word commeth of the verbe *tollo* to take away, as it seemeth) there are so many differences, by graunts made by Lords of Mannors, that the certainty in generall can hardly be declared. Some Millers take a twentieth, some foure & twentieth part: Tennants at will should pay a sixteenth part, and a bond Tennant a twelfth part, & some are tol-free. But howsoeuer the toll be, feare not, the Milner will be no looser: And for his abuses, you haue your remedy in the Lords Court, or at the common law.

Fishing. 26 Whether hath the Lord of the Mannor any *peculiar fishing* within any riuer, brooke, mere, stagne, pond, or other water: where and how farre doth it extend, and what it is yeerely worth, and who be Farmers therevnto, and what common fishings are therein, and how is the same vsed?

As this Article is little needefull to be propounded in Mannors where no riuers of sufficient waters are for fishing: so it is very necessary to be examined, where such waters are. For it is daily obserued, that many abuses are committed against the Lord himselfe, by such as vsurpe his peculiar fishing, and against the Common-wealth, in destroying fish, as appeareth by the punishment ordained against offenders therin. 25. Hen. 8 cap. 7 and 31. Hen. 8, cap. 2. Therfore it behoueth the Surueyor to be more carefull in seeking the meanes how to raise a profite vnto the Lord by his fishing, then to finde the present abuses which are inquirable, and punishable at euery

Leete,

Leete, although if any apparant offendors be found, he is to aduertiſe the Lord for reformation: but not inroll the ſame in his booke of Suruey. For nothing is therein to be inſerted, but matter of perpetuity, in recommending the preſent ſtate of the Mannor vnto poſterities, and for the Lords immediate vſe: the Court rols of the Mannor doe ſhew the abuſes and puniſhments in thoſe kindes. And therefore beſides the ordinary fiſhing in ſmall land riuers, brookes and ponds, there muſt be alſo remembred what profit may ariſe by fiſhing in the Sea, if the Mannor be neere it, or any creeke therof, in Oyſters, Muſcles, Cockles, Crabs, Creuiſhes, and ſuch like.

27 Whether hath the Lord of the Mannor any *Fowling* within this Mannor, by meanes of any moores, marſhes, waters, brookes, reedes, or ſuch like: as of *Ducke, Mallard, Widgine, Teale, Wildgeeſe, Buſterd, Plouers, Bitters, Swans*, or ſuch like foule: or any woods wherein do breed any *Herinſhoes, Shouelers, Stork*, or ſuch like: or any *Pibble, Beach, or Sea-banke, wherein breed Sea-pyes, Oliues, Pewets*, or ſuch, who taketh the profit of them, and what are they, or may they be worth by the yeare, vnto the Lord? Fowling.

Theſe kindes of commodities are not in euery Mannor: and therefore as in all other things it behoueth the Surueyor to conſider of theſe particulars, and giue no more vnto the Iury to be enquired of, then he either knoweth to be enquirable, or likely by examination to be found in the Mannor hee intendeth to Suruey, yet not to omit any whereby the Lords reuenues may be encreaſed, nor to trouble the Iury with needleſſe articles.

28 Whether hath not the Lord of this Mannor (time out of minde) had and receiued all *waiues, eſtraies, felons goods, treaſure found*, within the Mannor, and ſuch like profites, and whether hath he beene anſwered of them Waues. Eſtrayes.

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from time to time truely, or not, and who is the officer that doth ouer-ſee, and take notice of the ſame to the Lords vſe, and whether they be totally and fully anſwered.

Although theſe kindes of profits may redound vnto the Lord by preſcription, yet moſt commonly they are confirmed by charter, and therefore the Lords euidences, together with the vſe, muſt be examined, as alſo how and by whom theſe caſualties are pryſed, wherein Lords are often abuſed.

Mines. Quarries.

29 Whether are there within this Mannor, any *Tin-mines, Lead-mines, Copper-mines, Cole-mines, Quarries of ſtone, of Marble, Free-ſtones, Mil-ſtones, Lime-ſtones, Grinding-ſtones, Marle, or chalke-pits, ſlimy or mooriſh earth*, fit for ſoyling of land, or any *Potters clay, clay for Bricke or Tile*, or any *Fullers earth*, or any *ſand*, or *grauel-pits*, or ſuch kind of commodities, and what is euery ſuch kind worth to the Lord, or may be made worth by yeare.

Theſe are caſualties, and ſeldome or neuer all happen in any Mannor together, and few Mannors but haue ſome or one of them, which may be very beneficiall to the Lord, if the Surueyor be willing and skilfull to aduantage the Lord.

Turfes and Peates.

30 Whether hath the Lord of the Mannor any *Buſhes, Turfes, Peates, Heath, Broome, Furres, Ferne*, or *Flagge*, which are, or may be yeerely ſold within the Mannor, and what may they yeeld the Lord by yeere, if they were improoued to the vttermoſt value.

Theſe things are not in euery countrey, much leſſe in euery Mannor, for I thinke Eſſex *can afford little of them, vnleſſe it be of Turfes and Peates, if they were ſought in ſome low grounds in ſome creeke of the Sea:* Northumberland, Weſtmerland *& thoſe wild fells, yeeld ſtore of Peates and Turfs: ſo doth* Lincolnſhire, Cambridge ſhire, Yorkſhire Lancaſhire,

ſhire, *& other places many within this Kingdome, which wold be very profitable, make good fewell, and ſaue much wood.*

Bayly. **What meane you by Turfes and Peates? are they not heath Turfes you meane?**

Sur. There are *heath Turfes*, which are alſo meant in this Article, but the *Turfe* & *Peate* is of another kind: for they are taken in bogges, and ſuch rotten grounds as cattle cannot feede vpon. And thoſe that are firſt cut vp, are called *Turfes* of the vpper part, and ſuch as are taken downeward, are called *Peates*.

Bayly. **How meane you downeward?**

Sur. Vnder the firſt cut: for you may cut a ſpeares length deepe in ſome places in the ſummer time, and that kind of earth wil burne very excellently. And if it be cut neuer ſo deepe, it will fill againe in few yeares, and then may it be digged againe; inſomuch that the profit will be continuall to the Lord, and the vſe to the countrey.

Bayly. **Then it is beneficiall ground.**

Sur. So it is: and I thinke there be many grounds would ſerue to this purpoſe, if they were ſought out, where ſcarcity of other fewell is. But there is no greater enemie to thrift then idleneſſe, and ignorance of things of vſe not in vſe. For in many places ſuch is the ſcarcitie of wood & furs, as they are inforced to burne cowdung.

Bayly. **That is a ſtrange fewell, as for Furres, I take that to be no good fewell, but to brew or bake withall, it maketh onely a flame as doth ſtubble or ſtraw.**

Sur. Yes: it is good fire-wood in *Deuonſhire* and *Cornwall*, where they make great profite in venting it for that vſe, in many the greateſt townes, and in *Exceſter* eſpecially.

Bayly. **Then are they better then our ordinarie Furres about vs?**

Sur. The Country people do call them *French Furres*, they haue a verie great ſtalk, and grow very high, & their prickle verie ſtrong: but that they grow thicke, and the bodie is commonly bare to the toppe, where is onely a green buſh of the tender and ſmall branches, and ſeldome elſewhere, ſo that they eaſily make them into faggots, and ſo vent them with great profite.

Slate-ſtones. Marking-ſtones.

31 Whether is ther within the Mannor any *Slateſtones* for tiling, *red* or *blacke Lead*, or *Oker* for Marking ſtones?

Theſe kinde of Slate-ſtones are full in Cornwall, *and the Marking ſtones moſt about* Darbiſhire *& thoſe parts Northward, as are alſo milſtones about the Peake.*

Deere.

32 What *Deere* hath the Lord of this Mannor in his Parke, red or fallow: how many of Antler, and how many raſcall: who is Keeper, & what is his Fee by yeere: whether hath he any *Warren of Conies*, or *Hares*? who is the Keeper of either of them, and what Fee hath he by yeere, and what is the Warren of Conies worth by the yeere, and what were the Parke worth by acre to be let by yeere, if the Deere were deſtroyed, and how many Acres is there within the pale?

A Parke for Deere is more for the pleaſure then for the profit of the Lord or Common wealth, and yet fit that Princes and men of woorth ſhould maintaine them at their pleaſures, yet not ſo fit, that euery man that liſted ſhould maintaine that game, for his priuate pleaſure, that depriueth a Commonwealth of more neceſſarie commodities. But men of late are growne more conſiderate, & haue diſparked much of this kinde of ground, and conuerted it to better vſes. As for Warrens

Conies.

of Conies, they are not vnneceſſarie, and they require no rich ground to feed in, but meane paſture and craggy grounds are fitteſt for them. It is therefore in the diſcretion of a good and

and circumſpect Surueyor, to aduiſe his Lord how to diſpoſe of theſe things for his beſt aduantage. And in craggie and vnprofitable grounds to keepe Goates, eſpecially where they may not annoy profitable things.

33 What *penſions, portions, payments,* or *fees,* are or ought to be yeerely paid out of this Mannor: to whom are they paid, and for what, and what *rent* or *annuitie* is there payed, or ought yeerely to be payd out of any Mannor, or by any perſon, vnto the Lord of this Mannor: and whether hath the ſame been duely payed, or diſcontinued: what is the annuitie or rent, by whom ought it to be paid, for what thing, and how long hath it beene diſcontinued. Repriſes and payments.

Theſe things are verie duly to be examined, both which goe out of a Mannor, or be payed to a Mannor, although in many places they be much neglected, not in calling for, (I confeſſe) but if ſuch payments be denied, the Lord, to whom ſuch things are due, can hardly ſay or auow, for what, or in conſideration whereof they are due: and by that meanes men looſe their right, both of the payment, and ſometimes of the land, if it be eſcheat, yea, whole Mannors, ſometimes.

34 Whether is there within this Mannor any *Market* weekely, or *Faire* at any time of the yeere kept, on what day or dayes, who hath the toll and profits of the ſame, and what is it, or may it be worth vnto the Lord by the yeere, whether in his own hands, or let to farme, and for what rent? Faires. Markets.

Faires and Markets are commonly by Patent from the King, and conſequentlie the toll ſtandings and ſcallages.

35 Whether doth the Lord, or may hee take in any *ſwine to pawnage* yeerely into his Parke or woods, what is the *pawnage* worth by yeere? Pawnage.

Baily. Sir, you neede little to enquire of that, for Okes

and Beech, that haue beene formerly very famous in many parts of this Kingdome, for feeding the Farmers venison, are fallen to the ground and gone, and their places are scarcely knowne where they stood. Iam seges est vbi quercus erat.

Sur. It is very true: and it is pittie, that Lords of Mannors haue no more care of their posterities. For assuredly there will be greater want of timber in time to come in this Realme, then may be supplyed with little charge from any part else whatsoeuer. And therefore might Lords and Farmers easily adde some supply of future hope, in setting for euerie 20. Acres of other land, one acre of Acornes, which would come to be good timber in his sonnes age, especially where there is, and like to be more want.

Bayly. The course were good, but you prefire too short a time farre: for Okes are slow of growth, and it will be long ere they come to be timber.

Sur. I know in *Suffolke*, where in twentie yeeres, Acornes haue yeelded fruit already, neere as high as a steeple of ordinarie height.

Bayly. Truely, it is pittie it were not enioyned to men of ability and land to doe it. But I thinke men imagine, there will be timber enough to the end of the world, as many things else presage it cannot stand long.

Euidences. 36 Whether hath not the Lord leete and law day within the Mannor, what is the extent of the precinct, & whether is there not a court kept within the Mannor from three weekes to three weekes, and what summe or value hath the court power to determine?

Bayly. If Leetes and viewes of Frank-pledge were duely kept, and the true meaning of the first creation of them & their powers duely executed, they would reforme many abuses in the common-wealth.

Sur. It is true, but the negligence of Lords, and corruption of Stewards, haue much impeached both the credit

credit and vſe of thoſe moſt neceſſarie Courts.

37. Whether hath any of you any *Deedes, Euidences, Court-rolles, Rentals, Sute-rolles, Cuſtom-rolls, Bookes of Suruey, Accounts,* or any other eſcripts, or mynuments, touching or concerning this Mannor? If you haue any ſuch, produce them at this Court for the Lords vſe & ſeruice: or if you know any that haue any ſuch, deliuer their names, that the Lord may procure them to ſhew the ſame. Aduouſons.

Men that haue ſuch are nice in deliuering them, but if they haue them & conceale them, they are no good Tennants in not reuealing them, and without records there can hardly be a good ſuruey.

38 Who hath the *Aduouſon, Nomination, preſentation* and *gift of the Parſonage, Vicarage,* or *Free-chappell* whereunto this Mannor belongeth: or whether is it an *impropriation*, belonging to the Lord of this Manner? who is incumbent of the Parſonage or Vicarage, or who hath the impropriation in vſe, & what is it worth by yeer?

Some haue taken, and ſet downe a Parſonage or Vicarage to be parcell of a Manner, but I take it otherwiſe: for a matter of ſpirituall or Eccleſiaſtical function, cannot be parcel of a ſecular liuing. But a Mannor as touching the Tithe, may belong to an Eccleſiaſticall charge: neither doe I thinke, that an Impropriation, *though it belong vnto the Lord, yet is it not parcel of his Mannor: becauſe that* ab origine, *euen from the firſt inſtitution, it was dedicated to a ſpirituall office. And although the profits were afterwards diſpoſed to a ſecular perſon, yet are not the profits parcell of the Mannor.*

39 Whether is there any land concealed, or rent detayned within this Mannor, and by whom, for what, how much, how long, or whether is any land graunted in Mortmaine.

40 Who is the Lords *Bayly*, what is his name, what

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Lords Bayly. Steward.

yerely fee hath he,& whether hath he a Patent for life,or is at the Lords will, and who is *Steward* of the Lords Courts: what is his fee, and whether doth he hold it by patent or at will: who is *woodward*, and what other Officers are there within,or belonging to this Mannor,and what are their fees ?

Sundry Mannors haue ſundry officers : ſome of the Lords election and appointment, and ſome of the Tennants, among whom they are yeerely choſen, as Hayward, Reeues, &c.

Dioceſſe, hundred, &c.

41 Within what *Dioceſſe*, and *Deanrie*, within what *diuiſion and hundred* lyeth this Mannor: and to what place are you that are the Tennants, vſually called to doe your ſeruices, to muſter, and to ſhew your Armour and weapons: and what *Beacons* are you appointed to watch and ward at ?

It were a ſimple part of a Surueyor, if his Lord ſhould aske him theſe queſtions, and he ſhould anſwer, I cannot tell : and yet are they things fit for the Lord to be acquainted with, vpon ſundry occaſions.

Market Townes.

42 What *Market* Towns are neereſt vnto this Mannor, and what commodities are there eſpecially vented at euery of them ?

This is alſo neceſſary to be knowne of the Lord, that dwelleth remote from his Mannors, for many reaſons. Thus much for the charge.

Notandum.

Euery Surueyor is in diſcretion to order his owne buſines, and none is tyed to this method of charge : yet he muſt take the ſubſtance of theſe Articles, or ſuch and ſo many of them, as in his conceit (guided by ſome foreknowledge of the ſtate of the Mannor which he is to ſuruey) are fitteſt to be deliuered vnto the Iurie*: and withall he is to explaine vnto them the ſenſe and meaning of euery Article more at large, then he will giue them in the letter. And hauing thus finiſhed the charge.*

Euery Surueyor is to vſe his owne method.

charge, I hold it fit to giue the Articles *in writing vnto the Iurie, to the end they may answere their knowledges, to euery of them in writing. And because the* Iurie *(perchance) cannot so methodically set downe their owne plaine meanings, as is fit to be ingrossed in the Lords booke, the* Surueyor *must correct the forme, still keeping himselfe within the compasse of the meaning of the* Iurie, *and then to reade the same vnto them distinctly, that they may allow or disallow the same: and because they shall haue sufficient time, to consult and deliberate vpon euery Article, they may haue day giuen them, vntil such time as the* Surueyor *doth thinke he shall finish the Perambulation & view of the Manor in such sort as he intendeth, and then to take their virdict, and accordingly to ingrosse the same, together with his owne priuate necessary obseruations, touching the same.*

Immediately after the charge thus ended, the Surueyor is to make proclamation, in the name of the Lord of the Manner, that euery Tennant doe presently produce his *deedes, copies, leases*, and other *Euidences*, to the end that the Surueyor and his Clarke may enter them roughly in a booke, and afterward inroll them faire in a booke of Parchment for continuance.

And if any man make default, he may find it by the Catalogue of the names of the Tennants, which he must take at the beginning of the Court, & crosse them as they bring their Euidences to be entred: the manner of which entries doth briefly follow.

Intrationes omnium & singularum Chartarum, copiarum, Indenturarum, omniumq; aliarum Euident. tenentium, ibidem factæ tertio die Nouemb. Anno Regni Domini nostri Iacobi, Dei gratia, magnæ Britanniæ, Franciæ & Hiberniæ Regis, fidei defensoris, &c. 4. vt sequuntur, viz. Beauland Manerium.

Charte

Chartæ Liberorum tenentium.

VV. P. de F. in Com. M. Yeoman, per chartam dat. tertio die Martij, Anno regni Henr. 7. ſecundo, tenet libere ſibi & hæredibus ſuis (if it be intailed, then according to the limitation) ex donat. R. S. vnum meſuagium ſiue tentm. vocat. Whytlocks, ſituat. in quadam venella vocat. Potters ſtreet, inter meſuag. R. L. ex. auſtr. & quandam viam vocat. Loue-lane ex parte Bor. abutton. ſuper magnam communiam vocat. Hownes-Moore in Occiden, & ſuper com. campum. vocat. Beggars Buſhfield in Orientem, & continet in longitudine quadrgint. pertic. & in latitudine nouem pertic. & dimid. vnum clm. prati. vocat. Moſſe-meddow. cont. per eſtimat. quinque acr. & quinque acr. prat. iac. in commun. prat. vocat. Colliers-meade, & tres clauſur. terræ arabilis inſimul iacent. vocat. Bathyes, cont. in ſe in to. per eſtimat. decem acr. vnum clm. paſtur. vocat. Abbots-cloſe, iacent. &c. cont. per eſtimat. tres acr. Quod quidem meſuagium pred R. S. nuper perquiſiuit, de quodam A. B. habend, &c. per redd. vnius libr. Piperis, & per ſeruic. inde debit. & conſuet. 1. *Libr. Piperis.*

In hac forma cætera omnes irrotulentur chartæ, ſecundum particularia in eiſdem ſpecificata.

Copiarum

COPIARVM CVSTV-
mariorum Tenentium, intratio.

B.C. per cop. Cur. dat. nono die Maij An. regni Elizab. 30. tenet exſurſum redditione W.R. vnum tentm. iacent_. in quodam vico vocat. Churchſtreet, int. &c. (according to the buttles) & vnam clm. terræ voc. Haywood iac. &c. cont. per eſtimat. duas acr. vnum pratum vocat. Deare meade, cont. quinque acr. & decem acr. terr. in com. campis. Habendum ſibi & hæred. ſuis ad voluntatẽ Domini ſecundum conſuetudinẽ Manerij, & dedit Domino pro fine 3 pounds, 6. ſhil. 8. pence, & reddit per annum.

Finis. 3. po. 6. ſhil. 8. pe.

2. ſhil. 6. pence.

If the eſtates be for liues, as in the moſt Mannors in the Weſt, then the entries of the Copies muſt be according to the words of the copie: and at the foot of the entrie of euerie copie, it is fit to ſet downe the ages of the Tennant in poſſeßion, and of them in reuerſion.

Alſo it behoueth a Surueyor in the entry of all Deeds and Copies, to ſet downe the names of all meſuages and tenements, and

and the names of euery particular close, and parcell of land, as they are set downe in the Copie. And not onely the present tennants name, but wo, three, or foure descents, if it be expressed in the copies.

It is a fault in some Stewards, that in making out Copies, doe set onely downe the name of him that surrenders, and the name of him to whom the surrender is made, without further relation of any former tennants name, & do also set down the messuage, without setting downe the particular parcels of land belonging vnto it, the rent or fine, vsing onely generall words, which in all things import incertaintie. Whereas, if he did well, he should obserue and set downe euery parcell both in qualitie and quantity: namely, what is meadow, pasture, arable, wood, &c. with the principall butts and bounds, by the Surueyors booke. But for want of true surueys many beneficiall things are omitted, and many hurtfull admitted.

De intratione dimissionum, siue Indenturarum, in quibus ea quæ sequuntur, obseruanda sunt precipuè.

Dies, mensis, & annus.
Partes, inter quas facta est Indentura.
Consideratio concessionis.
Particularia quæ per Indenturam traduntur.
Habendum, cum termino annorum aut vitarum, pro quo aut quibus conceduntur.
Redditus, & tempora solutionis.
Clausa districtionis, aut foris facturæ.
Conuentiones, & Prouisiones breuiter, sed distincte.

Quomodo

Quomodo obligatur ad warrantizandum Conſeſſor, &c.

This ſufficeth for the forme of the entrie of Deedes, Copies and Leaſes.

Bay. **Is this all that is requited in the making vp of a booke of Suruey?**

Sur. Some thinke it ſufficient to come into a Mannor and to cal the Tennants, and to cauſe them to ſhew their euidences, and to enter them, and ſo to giue the Lord a booke of the eſtates, and thinke they haue done a great worke: Which is as much as if a Cater ſhould prouide meat, and the Cooke to ſend it to the table rawe for his Lord to eate. The Caters office doth as much towards the Lords diet, as the bare knowledge of the eſtates of a Mannor, doth towards the performing of an abſolute Suruey. Yet is the Caters office, a good inducement, and without his prouiſion the Cooke can doe nothing; and without the knowledge of the eſtates, a Surueyors trauell is to little purpoſe.

Bayly. **Yet you will enter euery mans particular lands againe, will you not? notwithſtanding the entring of their Euidences?**

Sur. It muſt be ſo, after the view had, and made of all the Mannor.

Bay. **What elſe require you at my hands to be done then at this time? for I perceiue you haue giuen the Iurie their charge, and limitted them a day to bring in their verdict: and you haue ſéene and entred all the Deedes, Copies, and Leaſes of the Tennants which haue appeared. What will you now doe in the meane time?**

Sur. I muſt now command you (the Lords Bayly) to appoint me ſome ſufficient Tennants, to accompany me in the perambulation and deſcription of the Mannor. Tennants muſt accompany the Surueyor in his perambulation.

Bay. **What, will you make a plot of the Manno?**

Sur.

A plot of a Mannor necessary.

Sur. It is very expedient and necessary for many causes, which I shewed you in our first conference.

Bay. Will you doe it by instrument?

Sur. Yea.

Bay. Then you nede the lesse helpe, for you will vse no chaine, nor staffe, cord or pole, as many doe?

Sur. I will, and it behoooueth to vse the chaine, notwithstanding the instrument, or some other like measure.

Bay. I haue heard some of your profession say, they could plot out a Mannor, and neuer vse line or chaine, with the instrument.

Sur. A Painter can by his art delineate the proportion of any creature, without vsing perspectiue glasse, or a compasse, euen by the eye and serious obseruation: so may a man, hauing the true vse of any topographicall instrument by rules geometricall, describe a Mannor in a kinde of forme, without line or chaine, or other measure. But if he will say he doth, or that he can truly delineate a Mannor with all the members, as euery street, high-way, lane, riuer, hedge, ditch, close, and field in forme, with true curuings, angles, lengths, and breadths, so that by the plot which hee so maketh, a stranger by scale and compas may truely finde the quantities of the particulars, I will then say he is a rare man, and more to be admired for his selfe-vaine opinion, then for his skill; because I must needes speake as I finde, that it is a matter both vnnecessary and vnprofitable: vnnecessary, because it is as if a man should builde a house without pin or naile, by ingenuous excellent geometricall conclusions, to magnifie Art, when with more certainty it may be done by the ordinary aide of pins, and nailes: and it is vnprofitable, because it will require a ten-fold time

more

more then the ordinary course of the instrument or chaine. And yet when *curiositie* hath done all that it can in this behalfe, he shall finde (though the conclusions be true) the worke will be false.

Bay. **Then I perceiue, there be some vaine-glorious of your profession: for some haue not stucke of late to write, and some profesſe, that they can performe it truely. In that manner I haue seene one come into a field, and set his instrument in the middle, or in some part thereof, and hath taken vpon him immediately to say, the content is thus much.** Vaine glorious Artists.

Sur. I haue heard one also to say, he can keepe all the commandements of God, and erre no iot in any.

Bay. **Fye on him that will assume that power, that was peculiar onely to Christ.**

Sur. The like vaine-glorious is hee that so assumeth vnto himselfe admiration, who may be more admired for his presumption, then for his truth in performance: for a peece of ground cannot lie in any such forme, as he with an Instrument at one station can find the quantity, though he may aime at it at two stations: but a peece of land may so lie as he shall erre, let him take as many stations as he can, and yet he must measure betweene his first two stations at the least, and toyle himselfe and his companions, more then if he went the true course of Art and Reason.

Bay. **What you meane by stations, I am not acquainted, but I hold the plainest way, the truest way in all conclusions, if Art and Reason be not against them: and sith the chaine, I perceiue, is necessary to be vsed with the instrument, I will prouide you helpe, both for your ayde in that behalfe, and for your information, hoping that you will not be against me to view your manner of working: and if I doe aske you a question now and then, for my better satisfaction, you will not be curious in abusing.**

Sur.

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Sur. I will not onely not be curious, but I will gladly impart my poore skill vnto you, if you be willing: and I will bestow demonstration, if you will afford attention and practise.

Bayly. **What call you this Instrument?**

Sur. Some call it the *Plaine Table.*

Bayly. **Is there no other Instrument vsed in plotting of ground?**

Sur. Yes, according as men of skill doe fancie.

Bayly. **But which doe you approue most? for as there be diuers, so men diuersly affect them.**

As Instruments are diuers, so men diuersly affect them.

Sur. Affection is often blinde, and it may misleade a man, but reason seldome or neuer: and therefore he that can maintaine the credit of that he affecteth, by sound experience and reason, I hold that a fit instrument for his vse: there are but two principall instruments, fit indeede for the plotting of grounds, and that is this that hath the name of a *plaine table*, and the *Theodelite*, which sometimes I vse also.

Bay. **But I haue séene many, and diuers formes of Instruments: are they all comprehended vnder these two names?**

All instruments haue one ground.

Sur. No, they haue sundry names, but they are all grounded vpon like principles: and as a man may make sundry kinds of clocks, one differing in a kinde of forme from other, and call them by diuers names, yet they are all founded vpon one ground: and as euery clocke bringeth forth like effects, as to strike & to distinguish times; So these Instruments, though they differ in forme and name, yet they produce like effects, if they tend to this part of *Geometry*, which is most principally called *planimetry*: namely, the measuring of the length, and bredth of any thing, as of a Mannor, and of all sorts and formes of grounds.

Planimetria.

Bayly.

Bayly. **But I haue heard of an Instrument, called a Circumferentor, which some doe vse about this businesse with high commendation.**

Sur. It is true, it is a new name giuen to the very *Theodelite*, vsed in a sort otherwise then the *Theodelite*, but not contrary. For as the working vpon the *Theodelite*, is performed by reducing the needle alwaies vpon the point North, as it is marked in the boxe, the *Index* turning to the degree, and pointing out the line of oppositions: So the *Circumferentor* hauing his Index fixed, pointeth to the opposite, and the needle falleth at aduenture vpon some degree marked in the boxe: And the difference is onely in the protraction: for where the one protracteth the worke, by the degrees, found by the fall of the wandring Index: so the other protracteth from the degree, whereupon the needle falleth.

Bayly. **This differs as much as if the bell should strike the hammer to make it strike: where it is more ordinary, that the hammer should strike the bell: but if the sounds be like certaine, and sensible, it makes no great matter whether doe strike the other. And if either of these instruments will performe the worke, let men vse whether they list. But I pray you, let vs proceede in our intended businesse: we haue company sufficient both for your instruction of euery mans land, and to aide you to carry the chaine: as for your instrument, I will carry it. Is it much materiall where you begin?**

Sur. Truely no: yet *I* hold it most fit to begin about the middle of the Mannor, and then to take a course, as the conuenient lying of the land will moue vs, or at one end or side, all is one. Where to begin to describe a Mannor.

Bayly. **Then I thinke here is a conuenient place to begin the businesse: here is a spacious walke, and neere about the middle of the Mannor.**

Sur. I pray you then set down your instrument there.

Bayly. **What will you doe with that paper, Sir?**

Sur. I must fasten it vpon the Table, that as I goe, I may draw out the forme of euer particular.

Bayly. **But what is that brasse ruler, that you haue taken out of the case?**

Sur. It is the Index of the plaine Table.

Bayly. **Wherefore strike you that line vpon the paper, throughout the Table, at aduenture?**

Sur. It is *a meridian line*, vpon which, at euery station, as you shall see, I lay the Index, obseruing to lay it alwaies alike, least I mistake the North point for the South, and the contrary.

Bayly. **Wherefore serueth this great bor, and nédle vpon the middle of the Index.**

Sur. It directeth to set the Table alwaies precisely vpon one point.

Bayly. **Must it stand alwaies one way, and direct alwaies to one point? how then can you finde the true curuings of the angles?**

The manner of describing.

Sur. When the needle of the Index standeth true, as I take it now it doth: looke vpon it.

Bayly. **Indéde it is right ouer the line.**

Sur. Then I pray you let me haue one to goe before me, alwaies to stand with a marke at euery angle.

Bayly. **There is one gone.**

Sur. I see him: Loe, I stirre not the Table, now it is truely rectified, and vpon this line I make a prick, which is the very station where the instrument is supposed to stand: and now for this prick, laying the Index hard vnto it, by the sight of the Index, lay it vnto the mark, which is set vp in yonder angle, let him not remooue it till I come to it: and then as you see, I draw a line from the pricke by the Index, as it lyeth truely and firmely to the marke.

marke. Come on with the line. How many ſtickes is it?

Bayly. Sir: it is 25. ſtickes.

Sur. That is 75. pole.

Bayly. Is your chaine three pole?

Sur. Yea.

Bayly. Oh Sir, what doe you now with your compaſſes, that you firſt laid to your Inder, and after to the paper?

Sur. I lay out the true diſtance, which is from the place where we begun, to the place where the marke ſtandeth.

Bayly. How doe you know whether you ſtrike that line too long, or too ſhort? doe you aime at it, as a man would deuide a thing in diuers parts by his eye?

Sur. No, there is in all Arts ſundry parts, and euery part hath his ſeuerall practiſe. A man is not preſently a Muſitian, as ſoone as he can ſay his *Gammaath*. There are ſteppes and degrees to euery perfection. But this little note that you take hold of, is not the leaſt of the practiſe in this faculty.

Bayly. What call you it? For as Arts haue diuers parts, ſo euery part hath his ſeuerall denomination. The vſe of the Scale.

Sur. And this whereof we are now in hand, is called *the vſe of the ſcale*.

Bayly. I pray you, if I trouble you not too much, let me ſee the demonſtration.

Sur. You ſee in this Index diuers inches, diuerſly deuided: one you ſee, is deuided into 16. equall parts, another into 20. another into 60. theſe are called ſcales of aſcending, or deſcending, to a higher or lower computation and extention, according to the number of perches found between ſtation and ſtation. This (as you ſee) is 75. pole, and the ſcale or deuided inch, which I haue choſen, is 20. as you ſee the inch ſo deuided. The deuiding of the Scale.

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Bayly. **But how can you take 75. out of 20. for that you say is your scale?**

How to finde the number of perches in the scale.

Sur. I cannot take a greater out of a lesser: therefore you see mee apply my compasses to more inches then one, though some of them be deuided more or lesse, I must conceiue euery inch in the whole Index to be 20. Then I lay the one foot of my compasse ouer 3. inches, which maketh 60. then I lacke 15. to make 75. Therefore I set the other foot of my compasse into the scale of 20. and reduce it onely to 15. which 15. and three inches next adioyning, being imagined 20. a peece, makes 75. And as you see the compasse thus spread, I apply it without altering, to the line, which I drew from the first pricke, and where the other foot of the compasse falleth, there is the second station: namely, the place where this marke standeth.

Bayly. **Truely Sir, I thanke you, I conceiue it well: for I perceiue, I must alwaies account the inches, not as they are in themselues deuided, but euery of them 20. And if it be vnder 20. then I must refer me to the very scale it selfe, which is deuided 20. and take the number out of it: and if it be aboue 20. I must take the next inch or inches to the scale, and take the odde out of the scale it selfe.**

Quick conceits soone forget.

Sur. If your suddaine apprehension haue as strong a retention, you will doe well: but commonly quickest conceits doe soonest forget. Therefore must you often chew it in your minde, and apply it to your memorie, and as we passe in this businesse, you may make some vse of my practise.

Bayly. **Sir, I thanke you.**

Sur. What call you this common?

Bayly. **Yee that are Tennants, and are sworne, enforme the Surueyor.**

Iurie.

Iurie. Sir, it is called Water-hurſt Common.

Sur. So, you that carry the marke, I pray, goe to the next angle, and ſet vp your marke, and ſtirre it not till I come. *Bayly*, ſet downe the inſtrument againe, here where the marke ſtood.

Bayly. I perceiue you lay the Inder vpon the line againe: and then you turne the Table, till it be by direction of the needle, North and South, as before.

Sur. I doe ſo.

Bayly. But why doe you now lay the Inder, and by it looke backe againe?

Sur. Onely to try whether the needle be right: for if the Index from this laſt pricke, doe fall truely vpon the firſt ſtation, then may I be bold that I ſhall make the next angle true.

Bayly. I haue ſéene ſome haue one to ſtay alwaies behinde at the laſt place whence you come, and ſo the Surueyor looke backe to make his next angle.

Sur. Some doe ſo, but it is more troubleſome: for by this kinde of working by the needle and the meridian line, a man may make the angles right without any back oppoſite.

Bayly. It is farre the better, more eaſier, and ſpéedier working, as I take it, now you lay the Inder to yonder marke before you, and the line that you haue ſtricken from the laſt pricke, is the line that directeth to it: but becauſe you know not yet how many pole it will be, you omit, applying your compaſſes to the ſcale, vntill you come to the marke, and know the number of perches.

Sur. I muſt doe ſo: now come on with the chaine. How many pole is it in the whole?

Bayly. 37. pole: I ſée you take almoſt 2. inches for this number, namely one entire inche, for 20. and 17. parts of the ſcale of 20. which in the whole maketh 37. and I ſée truely, as

37. is the halfe almoſt of 75. ſo is this laſt line, the anſwerable halfe of the firſt, and the angle falleth out in the paper, juſt a like vnto the angle of the field. Surely this is a perfect way, and I conceiue the doing of it very plainely.

Sur. Then we may goe on the faſter: for this doth a little hinder our buſines: but if you thinke fit to aske any queſtion, doe it freely, and I will anſwer you willingly.

Bayly. When I come to any doubt, I will be bold, Sir: now wee haue gone round about the Common of Waterhurſt, and you haue cloſed it vp as rightly like it in forme, as one forme may be made like another: Whither will you goe next?

Sur. Into the next field. What field call you this?

Iurie. Ore Leaſe.

Sur. Whoſe is it?

Iurie. Thomas Turners.

Sur. How doth he hold it?

Iurie. He holds it by Copy of Court roll.

Sur. It is Meddow?

Iurie. Yea, as we call it vpland Meddowes.

Bayly. I perceiue you write the names of the Commons and cloſes you take, and the name of the owners and occupiers, and the quality of the ground, and how it is held in euery particular cloſe.

Sur. I muſt of neceſſity doe ſo: for memory may not be truſted to retaine ſo many things, as are to be noted in this buſineſſe.

Bayly. I pray you proceede to the reſt.

Sur. What Riuer call you this?

Bayly. Will you haue the names of the Riuers too?

The names of all particulars are to be ſet downe.

Sur. Yea, and the name of euery other particular elſe whatſoeuer: for it is very materiall, whether it be Riuer, Brooke, lane, high-way, croſſe, tree, pond, hill, hedge, corner, gate, ſtile, grauell, or ſand-pit, meere-ſtones, baulkes, land-

land-ſhares, or any matter or thing memorable, becauſe they are often mentioned in records, butts, boundaries, deedes, copies, leaſes, and to diſtinguiſh betweene land and land, Mannor, and Mannor, Pariſh, and Pariſh, and ſuch like.

Bayly. Indéede, I perceiue it is very materiall to remember them all: this riuer indéede is called Otter-brooke, and is indéede the bounds betweene this Mannor of Beauland and the next Mannor.

Sur. What call you the next Mannor, on the other ſide the riuer?

Baily. The Mannor of Littleton. But will you obſerue the names of all the Mannors, that border vpon this Mannor?

Sur. Yea, of neceſſity, and whoſe Mannor it is: for it were a ſimple part in me, to take the circuit of this Mannor, and if the Lord ſhould aske me what Mannors lay about it, I ſhould anſwer, I cannot tell: it is fit the Lord ſhould know who were his neighbour Lords, and what Mannors were neere him. Whoſe is the Mannor of Littleton? Confining Mannors are to be noted.

Bayly. The Kings Mannor: and therefore whether you may boldly ſet it downe, you may be aduiſed.

Sur. There is no feare, where is no purpoſe of offence, and in this, it is not onely not offenſiue, but expedient that the true bounds, meeres, and markes of diuiſion betweene Mannor, and Mannor, ſhould be obſerued and ſet downe, that either may know how farre his owne extendeth.

Bayly. It is I confeſſe, very neceſſary. But Sir, how will you doe now? here is a great pond, through which you cannot meaſure, how can you finde the breadth of it, that when you come to the other ſide, you may take the iuſt diſtance? for as I conceiue, if you ſhould lay it downe by your ſcale, as you

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call it, too farre, or too short, you should bring all the land neere it out of rule, making it either too much or too little.

Sur. I perceiue you vnderstand well, for you say truely. Therefore if you obserue what I doe, you shall finde that I will not commit that errour much sensible.

Bayly. **How, I pray you?**

Sur. You see how the instrument standeth, truely erected as before, and you see a little Mole-hill vpon the further bancke of the pond: I lay (as you see) the Index vpon it, and take it for my marke iust in the midd'e of it, and from this last station I strike a line at aduenture, in the extention, but truely vpon the marke: then without moouing the instrument, I turne the Index from this station, where the instrument stands, vnto the staffe which the marke-bearer hath set vp yonder, and strike likewise a line to it, as you see: now I measure from this station to the staffe, and I finde it is 16. perches, that you see how I take it with my compasses vpon the scale, as I shewed you before, and where the foote of my compasse falleth, there is the place where the staffe standeth. Now see, I erect mine instrument againe, and then I place my Index vpon this place measured vnto, and turne the same vnto the middle of the former Mole-hill, and you see, that the Index doth crosse the first line, and I draw a third from the place of the staffe, to the Mole-hill, and it crosseth it, you see, at this place, then I finde, that the very point of the crosse lines is the place of the Mole-hill.

Bayly. **But how know you by this, how farre the riuer or pond is ouer?**

Sur. I will tell you presently. Loe, I lay the one foote of the compasse vpon the first station, and the other vpon the pricke of the Mole-hill: and now marke, I lay the compasse, without stirring the feet, vnto the scale, and as you

you ſee, it taketh three inches and a halfe: therefore I lay the compaſſe ſo, as the one foot may reſt vpon the ſcale, which I haue choſen, which is the inch deuided into twenty parts, and that, you ſee, is iuſt in the middle of the inch, which is ten perches, and the other three whole inches are twenty a peece: ſo the whole bredth of the pond is 70. perches, deducting as much on either ſide, as is betweene the brinck of the pond, and the markes on either ſide, becauſe I could not plant mine inſtrument ſo neere the water, but that ſome ſpace muſt be of neceſſitie betweene.

Bayly. I vnderſtand this well: and I ſée, that by this rule a man may take the diſtance of a place farre off, and neuer meaſure to it.

Sur. So may you, and to tell how farre diſtant diuers things are one from another, though neither of them be neere you. But for theſe things, if you couet more inſtruction, you may referre you to diuers in London, or elſewhere, that are practizers and teachers of theſe Geometricall concluſions: for now time will not ſerue vs, neither for me to teach, nor you to vnderſtand the things at full, which are required in the Mathematickes, whereof this is but a part.

Bayly. I thanke you for your preſent willingneſſe: when better your opportunity and leiſure will permit you, I will be bold to trouble you further, and I will be thankefull, I will not now let you: I pray you proceede.

Sur. What houſe is this?

Bayly. Theſe men of the Iury will tell you better then I: for I am but a ſtranger here to ſpeake of, and I dare not be too bold to ſpeake either by gueſſe, or by report, of things which muſt be recorded to poſterities.

They that informe, muſt know what they ſay.

Sur. You doe better to forbeare, and to be ſilent indeede

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Raw reports without knowledge, are vnfit to be recorded.

indeede, then to ſpeake what may leade vs into error, as many buſie and forward fellowes doe, to the hurt ſometimes of the Lord, ſomtimes of the Tennant. And ſome Surueyor, ouer-credulous, wil take their raw reports for matter of record, and ſo leaue doubts or vntruths to them that ſhall come after. But what ſay you that haue beene ſworne?

Iurie. **The name of the houſe is** Fullers : **but why it is ſo called, we cannot tell.**

Houſes are called after the names of Tennants.

Sur. It is ſo called (no doubt) of ſome former Tennant of that name : for houſes and farmes are oftentimes called of ſundry names, according to the variety of the Tennants names: and it is a good courſe to ſet down all the ancient names of a farme; becauſe in ancient records, names are found both of farmes, and cloſes, and ſuch like, that are out of knowledge, for want of the continuance of expreſſing them in their Copies, Deedes, Leaſes, Rentals, ſute Rols, and cuſtome Rols. But whoſe is the houſe now?

Iurie. **It is now in the tenure of** Willam Sands.

Sur. How doth he hold it?

Iurie. **By Leaſe, for 21. yeares.**

Sur. When I come to any of the land that belongeth to this houſe, let me vnderſtand it : for it is conuenient to mention, in ſetting downe euery peece of ground, to what houſe, farme or tenement it belongeth.

Bayly. **Here you are now come to the Lords wood.**

Sur. What call you this Wood?

Bayly. **I take it, it is called** Frith-wood.

Sur. It is parcell of the Lords demeiſns, is it not?

Iurie. **It is ſo, Sir.**

To number trees.

Sur. Here are good timber trees, wee will number them.

Bayly.

Bayly. Number them: how is it possible to number them, they are so many, and stand so thicke?

Sur. I confesse (especially if it be thicke of bushes and vnderwoods) there is difficulty in numbring them.

Bayly. To what end is it: what is the Lord the better to know the number of the trees?

Sur Howsoeuer the Lord be pleased to thinke of the seruice, a Surueyor ought to know it, that when he shall be demanded of the Lord, what he thinketh the Wood to be worth to be sold, he may be able to answer it, and giue a reason for that he saith, & not to speake at randon or by guesse, without some ground of reason or proofe. For how can a man value a wood, when he knowes not what crop it beareth? For a wood may haue an hundred trees in an acre, some woods not twenty, some not fiue, and therfore it were great negligence in a Surueyor, that would passe by a wood of the Lords, & would not take note of the trees, yea, and of the reasonable value of them one with another: that he may readily be able to satisfie the Lord, when he shal demand the Surueyors opinion, though he cannot answer precisely, yet neere.

A Surueyor should seeke to know the number of timber trees.

Bayly. You say truely: But what if there be no trees at all in the wood, as here is a wood adioyning, called Buckes-groue, that hath the name of a wood, but hath no trees at all?

Sur. Then is it vnderwood, which must be considered in another kinde: for there is difference between timber trees, and vnderwoods: for an acre of timber trees may be worth forty pounds, and far more, or much lesse, when an acre of vnderwoods cannot lightly exceede fiue pounds, and may not be worth twenty shillings. Therefore must the Surueyor be heedefull, I say, to note what trees are among the vnderwoods, and must also haue skil to iudge of the values of the trees: namely, to iudge what

Difference betweene timber trees and vnderwood.

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what a tun of timber, or a loade is worth, and how many loades a tree will make. And because this is not alike in all places, he must be carefull to obserue the plenty or scarsitie, the vse and little vse of timber or fire-wood in the place where he is to deale, and accordingly in discretion to iudge of the values of that he hath in hand, else may he deceiue himselfe and his Lord much, if he prize wood in the *wield of Sussex*, as it is worth about *Salisburie plaine*.

The place to be considered.

Bayly. **Sauing your speech, the like is to be considered in the letting and sale of Land.**

Sur. Some there is, more in opinion then indeede, for the difference of prizes of land of like quality cannot be so great in seuerall places, for land that will yeelde *per acre*, like feeding in pasture, burden of hay, or profit in tilling; will yeeld like maintenance of families of equall companies; and therefore in reason, the difference of yearely values of land of like quality differ not much.

Bayly. **In reason indeede the difference should not be great, yet it is commonly valued according to the vent of commodities: but let this passe.**

Sur. We haue had a good walke betweene these two stations, and a long discourse. But me thinkes I see a quarry of very good stone here.

Bayly. **Yea Sir, here is both excellent free stone, and good Marble, and as we shall goe, you shall finde diuers sorts of minerals and earths: which you cannot note vpon your plot, because they are things hidden vnder the earth.**

To note special places of profit.

Sur. Yea, but I will (for so I ought) set downe in the plot, the place where euery of these commodities are found. But for the matter and substance, and the profit and value, I know the Iurie will bring in, in their verdict: for they are all giuen them in charge, and as I shall finde

in

in mine owne opinion, I will likewiſe compare with the Iuries, and ſo ſet it downe for the Lords inſtruction.

Bayly. **Theſe things are neceſſarily giuen in charge. But here is a Mill. Sir, will you take note of it vpon your plot?**

Sur. In any caſe: for it is not the leaſt ornament of a Mannor, a faire ſtreame and a well conditioned, and well wrought Mill vpon the ſame. In whoſe vſe or occupation is this Mill? A good water-Mill, an ornament to a Mannor.

Bayly. **It is one** G. Iohnſons.

Sur. By what right?

Bay. **Let them of the Jury ſpeake.**

Iurie. **He holdeth it freely for a pepper corne a yeare. But it was parcell of the Lords demeſnes, but he ſold it: and it was a cuſtome Mill, very profitable.**

Sur. He that perſwaded the Lord to ſell away his cuſtome Mill, had little reſpect to the Lords profit or royalty: the profit comes eaſily, and the cuſtome confirmeth the antiquity of the Mannor. And ſuch a member of a Mannor, I would wiſh none to put away: But *humor* and *neceſſity*, are two oppoſite Emperors: the one commands, willeth, and doth what he liſteth, the other forced to doe what it would not. And therfore men that may doe what they liſt, and will doe what they may, if they erre to their owne hurt, are not to be lamented. But they that are conſtrained to doe what they would not, to their preiudice, I pittie them. But I take it, we haue neere troden the whole Mannor. Not good for a Lord to alien his cuſtome-Mill. Humor and Neceſſity, two Emperors oppoſite.

Bay. **Almoſt indeede. Here are ſome few cloſes more, and then an end.**

Sur. But here are certaine cottages, me thinkes, builded vpon the Lords waſte. Cotages on the waſte.

Bay. **Yea, but let them paſſe, neuer meddle with them: for**

for they are onely shelter for poore people, and yelde the Lord little or no commodity, and therefore spare labour of obseruing them.

Sur. Nay, it is a parcell of my taske, I must omit nothing, that may enforme, or benefit the Lord.

Bay. Be it then as you will.

Sur. What are we now at an end?

Bay. Ponder corner is the last: for it is the place where you began in Water-hurst common.

Sur. So: then we will retire.

Bay. What will you then command to be done?

Sur. Cause the Tennants all to appeare, and let the Iurie bring in their verdict.

Bayly. The Tennants are at the Court house, and the Iury ready with their presentment.

Sur. I will goe with you and take it: make proclamation, and call the Iurie by poll.

Bayly. They all appeare.

Sur. You sworne-men of the Court of Suruey, haue you agreed vpon the answer of the Articles that were giuen you in charge, and are you prouided with answer vnto euery of them in writing?

Iurie. Yea Sir, here it is fairely written.

Sur. You haue well done in your endeuours, though peraduenture, there may be defects in the forme of your answers, yet if you haue obserued the maine purpose, which is the seeking out, and the deliuering the truth, you haue discharged the parts of honest Tennants, and men fearing God. And because that it may be, some things may be omitted, which you may now instantly call to minde, blush not to declare it here, before you be depriued of that you haue written: for this paper I must haue, and that vnder your hands.

Iurie. **What nede we set to our hands?**

Sur. Because if I erre from it, your hands shall testifie against me: if you haue erred, and I erre through you, your hands shall iustifie me. The Iurie must subscribe their verdict.

Iurie. **The thing is reasonable, we will subscribe.**

Sur. Now will I reade the Articles of your charge, and to euery Article your answere, that you may yet correct or adde what shall be thought fit, and therefore I pray you listen.

Iurie. **Reade you Sir.**

Sur. You agree to all these things willingly, whereunto you haue set your hands.

Iurie. **We doe so, and doe here confirme it by the deliuery thereof, by our fore-man in the name of vs all, to the behoofe of our Lord. And what you else require at our hands, we are ready to performe.**

Sur. You doe kindly, and like dutifull Tennants, and be you assured, that your forwardnesse herein shall not be concealed from the Lord, but with true report of your indeuors for the furthering of the businesse, which cannot but draw a kinde consideration from the Lord againe to you. Which both to gaine for you, and to retaine it, I will truely doe my best: and so for this time, I will leaue to trouble you further, vntill I haue set my other collections, which I haue taken in the perambulation of the Mannor, in some order, then will I be bold to trouble you again, to the end that you may all approue what is done, whether I haue truely set downe the particulars: namely, the Lords demeisns, the free, copie, and leased lands, vnder their true names and due owners: if not, that by your helpe I may reforme it, before I ingrosse it, to continue to your children. For what we doe, will be hereafter a light vnto them that shall come after you:

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you: and if it ſhould be erronious, it would be preiudiciall to your poſterities.

Iurie. I pray you therefore, let there be an examination, and we will gladly giue both our attendance and beſt aide to perfect it.

Bayly. I ſhall then make an O yes, and adiourne the Court, vntill they haue notice againe.

Sur. Doe ſo.

Bayly. You will now keepe your chamber, vntill you haue made your collections perfect, and caſt vp the land.

Sur. I purpoſe ſo.

Bayly. I would gladly ſée the manner of your caſting vp of the acres, as you doe it: for the reſt, I ſhall ſée when you haue done. For the Iuries examination, I will leaue you till the morning, and then will I come to your chamber.

Sur. Doe ſo.

The end of the third Booke.

THE SVRVEYORS DIALOGVE, SHEWING the manner of casting vp of sundry fashions of Land, with the Scale and Compasse, *with Tables of computation for* ease in accompting.

THE FOVRTH BOOKE.

BAYLY.

I See you are busied, and I perceiue you are casting vp the quantity of this square peece of land.

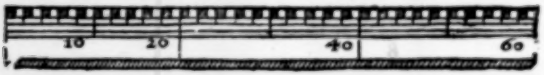
Sur. So I am.

Bay. This, I take it, is plain and easie to be measured.

Surucy. I pray let me see your skil what containeth it?

Bayly. I thinke, if it were vpon the ground, I could tell you: but vpon the plot I cannot, because I remember, you doe it by your scale: I would gladly see the vse of it, and how you apply your scale to the perches: and if I saw it once, I thinke I could then gueſſe at it. Where is your scale?

Sur. This that you ſee like a ruler deuided.



Bayly. If you will giueme leaue, and if I trouble you not. I will try how neere I can come to it. I apply the compaſſe to the one ſide of the figure of the cloſe, and then letting the compaſſe ſtand, I lay the compaſſe to the ſcale, and I finde it is iuſt one inch, which is $\frac{1}{7}$ of the whole ſcale: and as I remember, you made your ſcale twenty perches to an inch.

Sur. You ſay right, and your apprehenſion is good.

Bayly. Then is the one ſide 20. perches. And hauing laid my compaſſe to the reſt of the ſides, I finde them twenty of each ſide. What now is to be done?

Sur. Multiply the one ſide by the other.

Bayly. Then I muſt ſay twenty times twenty, that makes foure hundred perches. But now am I at a ſtand againe, how ſhall I know how many acres is in this figure?

The parts of an Acre.

Sur. You muſt know, that there goe 160. perches to one acre, 80. perches to halfe an acre, 40. perches to one roode, which is $\frac{1}{4}$ of an acre, ten daies worke to a roode, foure perches to a daies worke, 16. foote and a halfe to a perch.

Bayly. Then I perceiue, that as many times as I finde 160. perches in 400. perches, ſo many acres the peece is, and if the ouerplus come to 80. perches, it makes halfe an acre more, if to forty, one roode, if to foure perches, a daies worke: and ſo according to the odde perches, it maketh parts of an acre.

Sur. You take it rightly.

Bayly. Then I deuide 400. by 160. and I finde 160. twice in 400. and 80. ouer: ſo it amounts to two acres and a halfe.

Sur. It is well done: but I would haue you to obſerue a forme in ſetting down your quantities: for as the parts are foure, ſo ſet them downe in foure collumnes: as for example

example: 2-2-0-0. the first is acres, the second is roodes, the third is daie workes, and the fourth perches.

Bayly. I thanke you Sir, I pray let vs see some other forme.

Sur. This forme following is also a square, let me see how you will cast it vp.

Bayly. I haue laid the compasse to the sides, as before, and by the scale, all the sides are twentie perches a peece, as were the first, and so I finde no difference in the quantitie.

Sur. But you shall finde you are in an error: for it is not the length of the sides that iustifies the quantity: but the angles must be considered: for you see there is great difference between the angles of the first figure, and the angles of this: for the angles of the first are all right angles, but this hath two sharpe or acute angles, and two blunt or obtuse angles, which maketh difference in the quantitie, though the sides be equall euery way to the former.

Peeces of equal sides may make vnequall quantities.

Bayly. I pray you shew me the reason.

Sur. Your eye may discerne there is inequality in the bignesse of these two: but you shall proue it thus, The first is a iust square of twenty perches euery way, which maketh the Area and content as big as possible like sides may make, but this last, by bending two sides, makes the two angles vnequall to the other, and must be measured by drawing a line from the two sharpe angles, and then rayfing a perpendicular from that base, to one of the obtuse equall angles: multiply the base, which is 34. by halfe the perpendicular, and that maketh in the whole 2-0-0-3.

How to cast vp a Triangle.

the baſe ſeruing to both the perpendiculars being equal.

Bayly. This is almoſt two parts of an Acre leſſe then the former. And by this reaſon there may be a péece of land 20. perches euery ſide, that ſhall not containe aboue two parts of an acre.

Sur. It is true.

Bayly. I ſée in your plot a croked péece of land to be meaſured as I take it, and I thinke it be the Lords wood, calle Frith-wood.

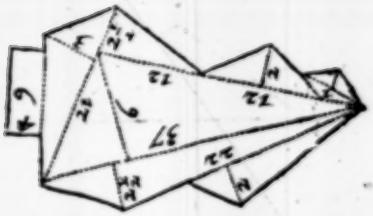
Sur. This is that you ſee, and it is troubleſome to meaſure indeede: and without a Geometricall inſtrument, it can very hardly be meaſured, becauſe there are woods about it, and the wood it ſelfe thicke of trees and buſhes.

Bayly. You haue indéede laid it out in his true forme: but it hath ſo many angles and curuings, that I dare not aduenture to meaſure it vpon your plot. I pray what courſe take you in caſting vp of ſuch a péece of land?

Sur. The trueſt courſe, for that it is ſo irregular, is, to put it into as many triangles as you conueniently may, making no more then neceſſitie requireth. and if you can doe this, you may doe any other forme.

Bayly. I pray you ſhew me the manner.

Sur.



Sur. I will make a demonſtration vnto you, and marke it: you ſee the figure: There are contained within this figure 7. triangles, and one long ſquare: the baſe of the firſt triangle is 22. perches, the halfe perpendicular thereof is two perches, and that containeth 0-1-0-0. The ſecond triangle hath his baſe 37. perches, the halfe perpendicular, two and a halfe, which maketh 0-2-3-1. The third hath the baſe 37. the halfe perpendicular 6 which maketh 1-1-5-2. The fourth hath the baſe 21. the perpendicular 3. maketh 0-1-5-3. The fifth is in the baſe 12. perp. two and a halfe, and maketh 0-0-7-2. The ſixth baſe 12. perp. 2. maketh 0-0-6-0. The long ſquare 6. in length, and 4. in breadth 0-0-6-0. The two laſt are equall triangles, baſe 8. perp. 1. and a halfe, 0-0-3-0. All which ſeuerall ſummes being added together, doe amount vnto 3-0-8-0.

Bayly. **But which doe you call the baſe, and which perpendicular lines?**

Sur. The longeſt line in any triangle is the baſe, and the perpendicular is a line imagined to riſe from the baſe to the obtuſe, or blunt angle: as in the example following. Baſe and perpendicular, quid.

Bayly. **That which is done with pricks, you call the perpendicular, and the lower line you call the baſe, as in this figure?** Baſe and perpendicular queſtions.

Sur. So it is.

Bayly. **But how doe you cast vp the quantitie, by a triangle thus? you cannot as I take it, by multiplying the base by the perpendicular, finde the content: for it is by that computation, more than indeede the triangle containeth.**

e base mul-ied by the pendicular.

Sur. You say true, if you multiply the whole base, by the whole perpendicular: but you must multiply the one, by the halfe of the other.

Bayly. **Doe you imagine that the truest measure, is by triangles?**

langles su- measuring.

Sur. Yea, where you finde many angles in one field: there are other kindes, and manners of measuring, but this is speedy and certaine.

Bayly. **How if a peece of land lie directly round? I thinke you measure it round, and then cast it into a square, as if the circle be fortie perches round, it maketh 10 square.**

Sur. Indeed, many vulgar measurers doe vse to measure many sorts of land round, and cast the whole into a square, which is for the most part false. But for a round, and circular peece of land, you must indeede measure it round, and take the halfe of the number of perches for the length: then take the semidiameter, namely, as many perches, as are from the Center, to the extreame, and multiply the halfe of the circle, by the semidiameter. And for a halfe circle, multiply halfe the halfe circuit, by the Semidiameter, and diuide as I shewed you.

circular me.

Bayly. **I thanke you Sir: I keepe you from your busi-**

nesse

nesse, yet I pray you let me aske you one question more for my learning: how are hills, and valleyes measured?

Sur. There is indeede some difficultie in them, without great industrie: for commonly, hils, and valleyes lie very irregularly, sides, heights, and depths, very vnequall. And therefore, to demonstrate any certain rule for these kind of contents, many haue endeuored to do, to whom as vnto vncertainties I refer you: but for such kinde of grounds, there must special diligence be had, in bringing them into certaine parts, distinguishing the parts by marks, and so by degrees to bring these parts into a certaine content generall, and that vpon the ground: otherwise I see not, how by measuring a whole irregular circuit together, as irregular heights or depths & applying the numbers to a generall computation, according to the rules of arithmetick, a certaintie may be procured: although the rules be true, yet in regard of the inequality of forms, the working may faile, vpon a plain plot, which cannot possibly truly demonstrate the true formes, nor consequently the quantities of vnequall hils and dales.

Measuring and valleyes

Irregular formes must measured by regular parts

Bayly. Sir, loath I am to be troublesome vnto you, for that I know you haue much businesse, and the casting vp of particulars of this whole Pannor, will be verie laborious: for to cast vp euery particular angle of a ground by arithmeticke, will be very tedious.

Sur. But I haue certaine tables of ease, which yeeld more speedier dispatch, then to cast vp euery content with the pen.

Bayly. I pray you let me be bold, to craue the sight of those tables.

Sur. I haue set them downe in a little book, and here followes

Bayly. Were these of your owne invention?

y rules of
g vp con-
by *Beneſe*
non.

Sur. Many haue endeuoured ſeuerall manners and methods of computation: as one *Beneſe* a Canon of *Martin Abbey*, neere *Mecham in Surrey*, who did it by ſundry ſquare Tables, increaſing by ten, as from one, to ten times ten, from one time twenty, to ten times twenty, and ſo increaſing by ten, vntill he come to an hundred times 120. that is, from one perch to 75. acres.

Bayly. Truely, theſe are very neceſſarie tables: Is yours in another forme?

Sur. It is in that kinde, but it worketh by the increaſe from one to twenty times twenty, from one to forty times forty, from one to ſixty times ſixty, eighty times eighty, &c.

Bayly. This differs not much from the former, yet I take it to be more ready.

Sur. So it is.

Bayly. Who, I pray you, found out this way firſt?

dolph
as.

Sur. Surely I had certaine papers of that method, of M. *Ran. Agas*, but they were ſo imperfect as I haue beene inforced to calculate them ſince, to make them more large and more exact. But ſurely his diligence deſerues commendation.

Bayly. Did M. Agas firſt contriue them ſo?

entine
.
Digges.

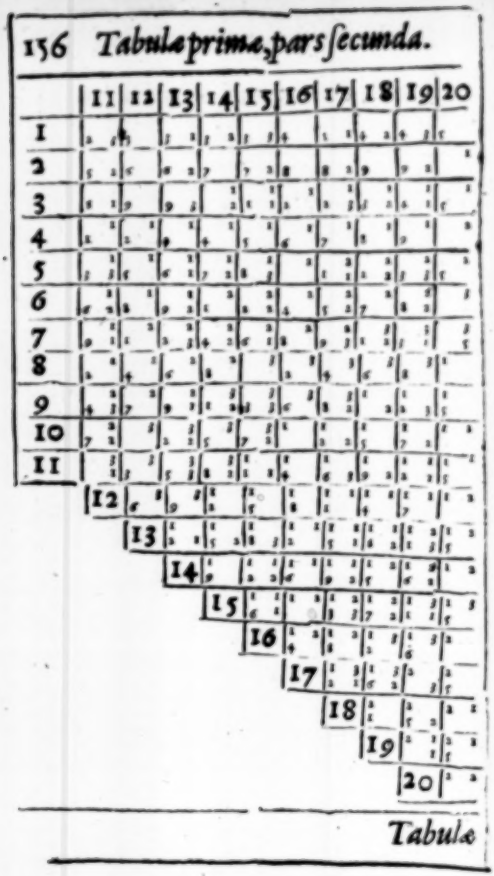
Sur. Mr. *Valentine Lea*, and M. *Digges* had in manner the like, encreaſing by the multiplication of greater ſummes: but of all other, I take this to be the moſt readieſt that you ſee here, as I haue digeſted them.

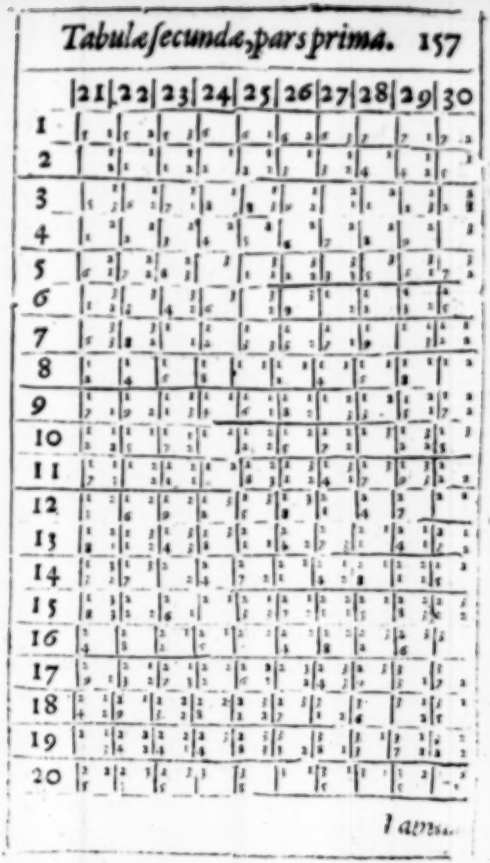
Bayly. Is this the booke, and are theſe the Tables?

Sur. Theſe are they.

Tabulæ

Tabulæ





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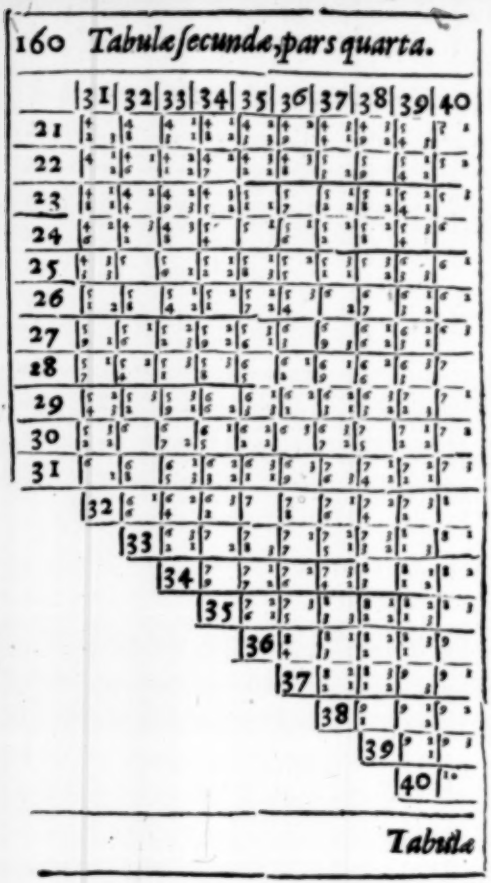

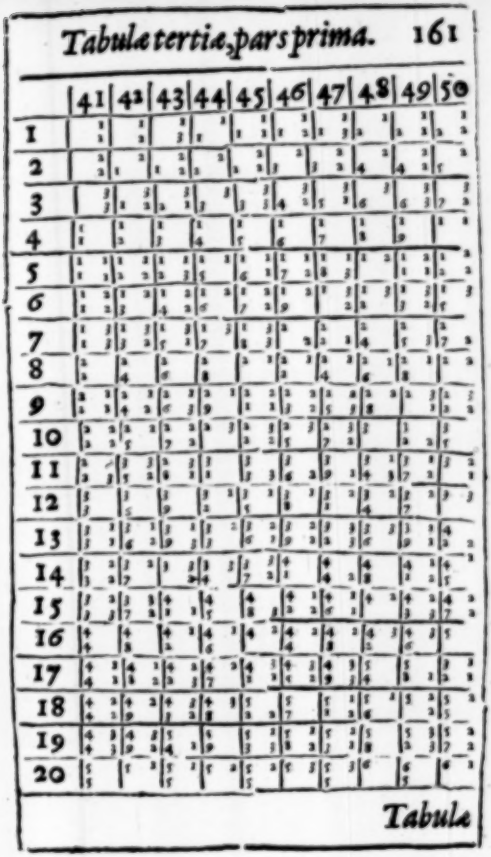

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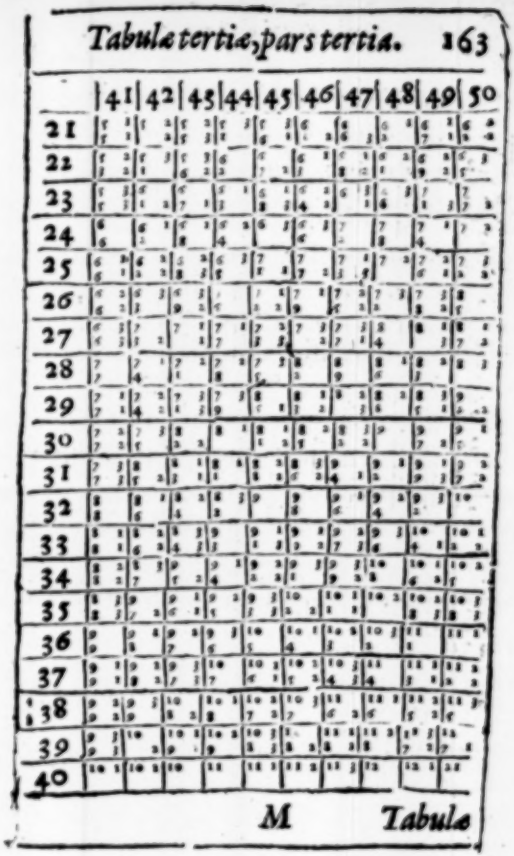

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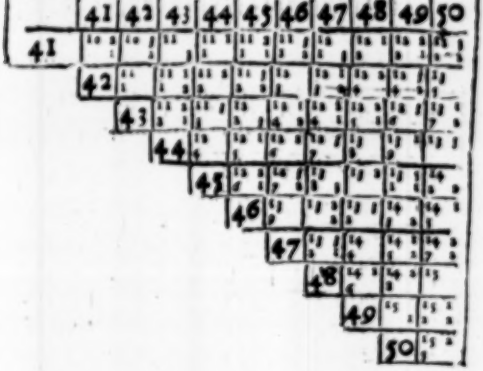

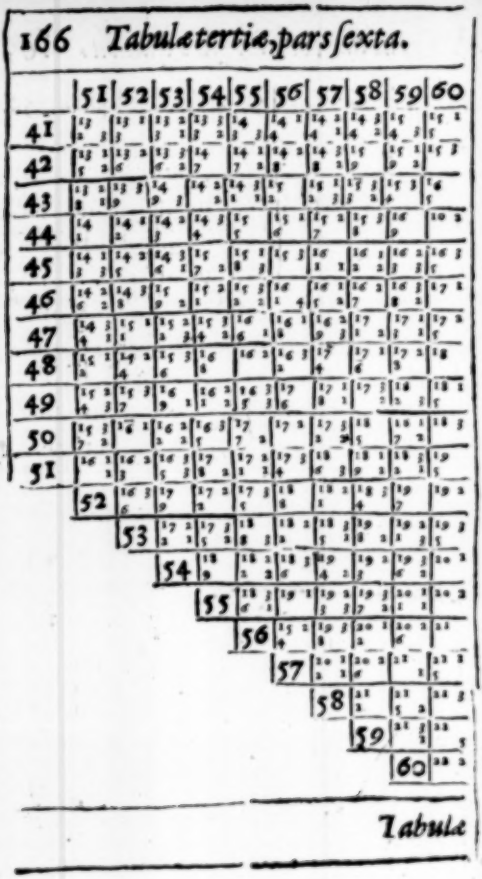

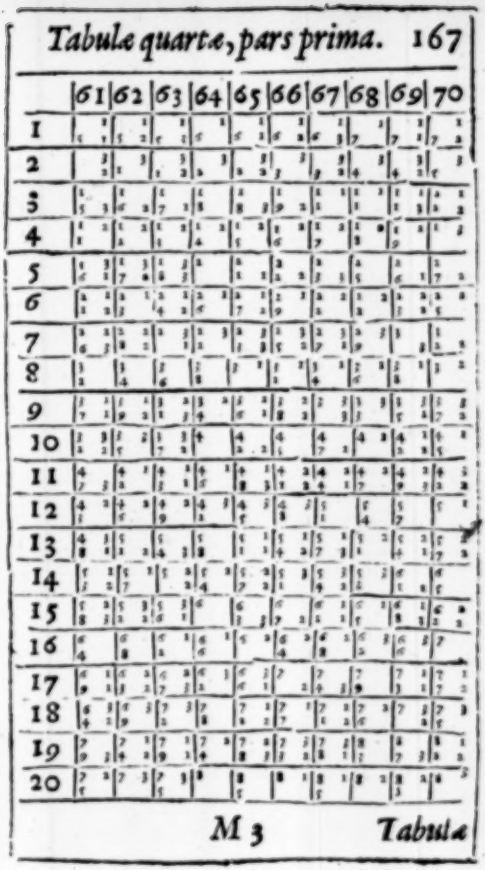

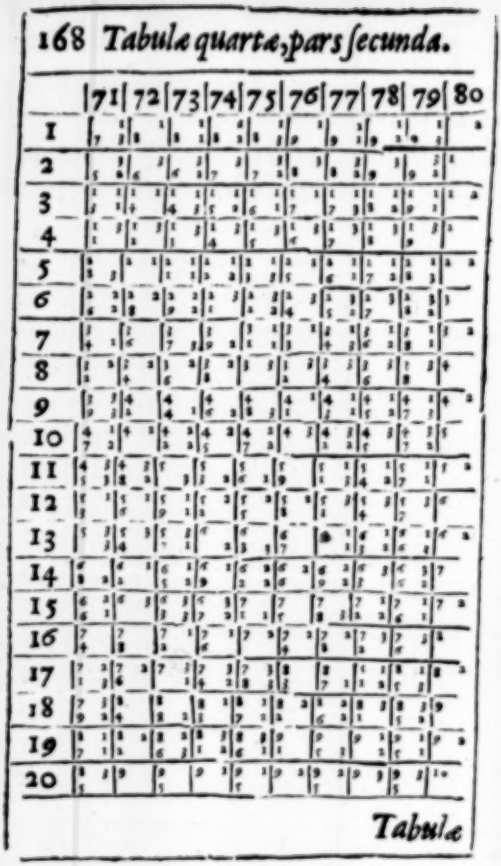

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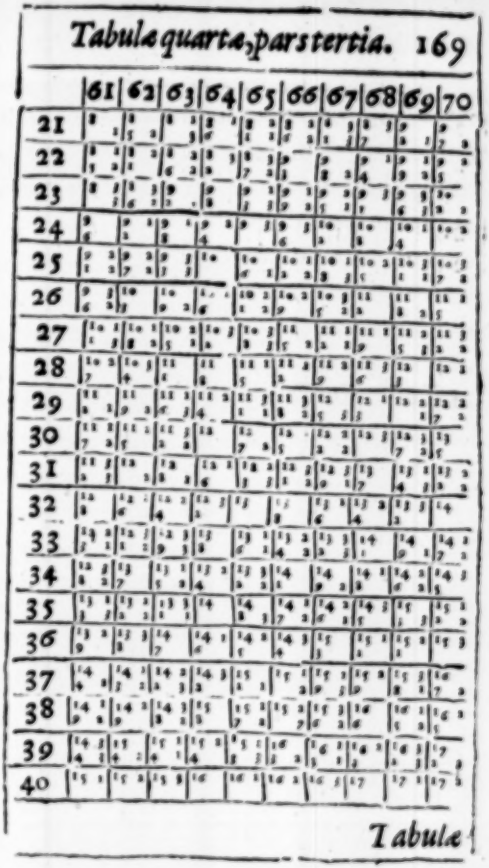

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77	37 2 1	37 2 1	38 3	38 2						
78	38 1	38 2 2	39 2							
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Bayly.

Bayly. Surely this is a necessarie booke for him that is imployed in matters of great quantitie. For if it should be all cast vp with the pen, it would aske much labour, and waste much paper: and yet I know simple Countrey fellowes will cast it vp very speedily, euen by their memories, by money; as one penny to a Perch, foure perches to a day-worke, ten day-workes one Rode, four Rodes one Acre, three shillings foure pence, is fortie pence, and forty Perches, one Rode, one hundred & threescore pence, make thirteene shillings and foure pence, or a Marke of money, and one hundred and threescore Perches one Acre. So that twenty pound makes thirty Acres, fortie pound threescore Acres, a hundred pound one hundred and fiftie Acres; and so forth. But this kinde of casting is troublesome, when it riseth to great portions, and many parcels. And therfore for my part, I could willingly imbrace these tables for my ease, and leaue this accompt by money, vnto such as haue not the vse of learning to ayde their memories.

Countrey land measurers will cast by memory.

Casting by the parts of money.

Sur. I haue obserued, that many vnlearned men haue better and more retentiue memories, then haue some Schollers.

Bayly. So haue I noted, and I know some, that will by memorie doe very much, and no doubt, the reason is, because Schollers doe commit their memories to the pen: where such as haue not the vse of the pen, must vse the memorie onely, which being fed with continuall pondering the things they delight in, becomes as a Calender of their accounts. King Cirus could name all his souldiers by memory. And Pliny reporteth of Methridates, that hauing vnder his gouernment 22. kingdomes, or nations, he could speake all their languages, and vnderstand any tongue without an interpreter. And Scipio could remember the names of the soldiers of all the Romane armie.

All Schollers haue not best memories.

Admirable memories of some great persons.

Sur. Vse memory, and haue the vse of memory, either Schollers or vnlearned; if they vse not their memories, they can make little vse of their memories. On the

other ſide, he that imprinteth too many things in his memory, ſhall, and ſome haue oftentimes wiſhed, they could not remember ſo well, and that they had the art of forgetting, to cleare the memory of that they would not retaine in memory: for many times a freſh and free memorie heapeth vp ſo many things in his thought, that it breedeth ſuch confuſion, that what it ſhould indeede retaine, is often confounded with that which it would forget.

Some would forget, and cannot.

Bayly. **I wiſh therefore that my memorie could retaine according to occaſion, to forget things whereof I haue no neceſſarie vſe, and to remember things expedient: yet ſurely, although the thought can apprehend but one obiect at one inſtant, the memorie may well apprehend and retaine many things. But Sir, omitting this, I entreate you to ſhew me the vſe of theſe Tables which you haue ſhewed me.**

The vſe of the former Tables.

Sur. The vſe is very plaine and eaſie: propound you a number of perches, the length and breadth of a ground.

Bayly. **If a peece of ground be in length fiftie two Perches, and in breadth twenty ſixe, where, and how ſhall I finde the content in the Tables?**

Sur. Looke the third Table, the fourth part of the Table, in the vpper ranke whereof in the third Collum, you ſhall finde 52. then looke in the firſt Collum for 26. then referre your finger and eye towards the right hand, till you come right vnder 52. and that ſquare anſwers the content to be thus $\frac{1}{0}$

Bayly. **What meane you by making the figures in the angles of the ſquare?**

Sur. Becauſe the 4. angles doe demonſtrate the acres and parts of an acre. The vpper angle on the left hand ſhewes the acres, the vpper angle on the right hand, the roodes; the lower angle on the left hand, the day works, and,

and the lower angle on the right hand, the odd perches.

Bayly. This is very eaſie. But I ſee there are no figures in the 2. angles on the right hand, neither aboue nor below.

Sur. When it falleth ſo out, that there are none of the denominations found in the number, then his place is left blanke.

Bayly. Then this aboue ſaid quantitie is 8. acre and 5. baſes-workes, which is twenty perches, and twenty perches is ½ Rode.

Sur. You are right.

Baily. Then if the number of perches be leſſe, I muſt ſeeke them in the leſſer Tables; if greater, in the greater.

Sur. You muſt doe ſo.

Bayly. Yet there reſteth one ſcruple in my minde, which if it ſhould happen before I be reſolued, would breede a great doubt, and therefore I am bold to aske it. That is, if the length of a ground be more perches, then is expreſſed in any of the Tables, how ſhall I finde it, when no Table reacheth ſo farre?

How to finde the quantity, when the number of perches exceede any table in the booke.

Sur. You doe well to caſt all doubts. If the length be more then the tables will yeelde, whereof indeede the moſt is foure ſcore perches: Take firſt 80. perches out of the whole ſumme, and then ſeeking the bredth in the Table as before is ſhewed, you ſhall finde the content of that part. Then if the bredth be more then the remanent of the length, let the bredth be the length, and the remanent of the length, the bredth. And ſeeke them likewiſe in the Tables, and what ariſeth of both the numbers, adde together: As for example: A ground is 119 perches in length, and 67. in bredth: the whole length is not in the Tables to be found: then I finde 80. and that is the length, and 67. the bredth, which the Table ſheweth to be 33-2-0-0. There remaineth

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of the whole length 39. which is a leſſer number then the bredth: therefore I make 39. the bredth, and 67. the length, which the Table ſheweth to be 16. 1-3-1. which added to the firſt number 33-2-0-0. maketh in the whole 49-3-3-1.

Bayly. I ſee, this Table will ſerue for the finding of the quantity of any ſumme, and I doe vnderſtand it well. But I pray you what Table is that you haue here?

Sur. A neceſſary Table for ſome purpoſes. It ſheweth how to lay out a iuſt Acre of land, the length, or bredth being giuen.

Bayly. Indeede it is a neceſſary Table: for euery man cannot vpon the ſodaine: for I take it, it is very hard without Arithmeticke, to lay out a iuſt Acre to euery length or bredth.

Sur. This can indeede hardly be done by gueſſe, it requireth Art.

Bayly. This is the Table, I pray you ſhew me the vſe of it.

Bredth.

Bredth.	Length of an Acre.	
Perches broad.	Perches long, & their parts.	Feete, & their parts.
1	160	
2	80	
3	53 1/4	1 1/2
4	40	
5	32	
6	26 1/3	3
7	22 1/4	1 11/12
8	20	
9	17 3/4	6
10	16	
11	14 1/2	9
12	13 1/4	1 1/2
13	12 1/4	1
14	11 1/4	3
15	10 1/2	3
16	10	
17	9 1/4	2 7/12
18	8 1/4	1
19	8 1/4	3
20	8	

Bredth.	Length of an Acre.	
Perches broad.	Perches long,& their parts.	Feete & their parts.
21	7 1/2	2 2/12
22	7 1/4	4/12
23	6 1/4	3 1/12
24	6 1/2	2 8/12
25	6 1/4	2 6/12
26	6	2 7/12
27	5 1/4	3
28	5 1/2	3
29	5 1/2	6/12
30	5 1/4	4/12
31	5	2 7/12
32	5	
33	4 1/4	1 8/12
34	4 1/2	3 4/12
35	4 1/2	1 2/12
36	4 1/4	3 3/12
37	4 1/4	1 1/12
38	4	3 6/12
39	4	1 8/12
40	4	

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Bredth.	*Length of an Acre.*	
Perches broad.	Perches long, & their parts.	Feete, & their parts.
41	3 1/4	2 7/12
42	3 1/4	1 1/3
43	3 1/3	3 7/12
44	3 1/3	2 1/4
45	3 1/3	11/12
46	3 1/4	3 7/12
47	3 1/4	2 1/3
48	3 1/4	1 1/3
49	3 1/4	1/3
50	3	3 1/6
51	3	2 1/3
52	3	1 1/3
53	3	1/3
54	2 1/4	3 7/12
55	2 1/4	2 7/12
56	2 1/4	1 9/12
57	2 1/4	11/12
58	2 1/4	1/6
59	2 1/2	3 5/12
60	2 1/3	2 1/3

Bredth.	*Length of an Acre.*	
Perches broad.	Perches long,& their parts.	Feete & their parts.
61	2 1/3	2 1/6
62	2 1/3	1 1/3
63	2 1/3	1/3
64	2 1/2	
65	2 1/4	3 7/12
66	2 1/4	2 10/12
67	2 1/4	2 1/4
68	2 1/4	1 1/3
69	2 1/4	1 1/6
70	2 1/4	7/12
71	2 1/4	1/12
72	2	3 1/3
73	2	3 1/4
74	2	2 1/3
75	2	2 1/6
76	2	1 1/3
77	2	1 1/12
78	2	11/12
79	2	1/3
80	2	

Sur. The vſe of this Table is onely to be required, when a man is ſuddenly to ſet forth an Acre of land limited in length or bredth, how farre it ſhall extend. As for example. There is a peece of land containing many Acres, and there are to be ſet out of this 1. 2. 3. 4. or more Acres. Firſt, the length muſt be conſidered. If the length be 77 perches: finde that in the firſt Collum of the Table, and right againſt it, you ſhall finde the bredth to be two perches, 1. foote, 4. inches, which maketh an Acre.

Bayly. **But where you ſay, I ſhall finde the length in the firſt Collum of the Table, it is in the head of the Collum noted for the bredth.**

Sur. It is ſo indeede: for that Collum may be reputed to containe both the length and bredth.

Bayly. **How can that be?**

Sur. Vntill the bredth doe exceede the length, it may be ſaid the Collum of bredth. But when the bredth ſurmounteth the length, the length may be ſaid the bredth.

Bayly. **I vnderſtand you: reaſon will obſerue that, without ſerious inſtruction. But this Table, I ſee, extendeth but to the length and bredth of one Acre: if a man be occaſioned to lay out more, he is as farre to ſeeke, as if he had no Table at all.**

Sur. Not ſo: for if you obſerue it, you are to double, treble, or quadreble, the length or bredth, as you haue occaſion: As for example: If you would lay out 3. Acres, and admit your length be 48. perches, which to make one Acre, is to haue in bredth 3. perches, and a quarter, 1. foote and foure inches, which three perches, $\frac{1}{4}$ 1. foote, and $\frac{1}{3}$ being taken three times, make nine perches, $\frac{3}{4}$ and foure foote, And thus of length and bredth,

How to lay out many Acres by the former Table.

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bredth, how many Acres ſo euer are to be ſet out.

Perches diuers in diuers Countries.

Bay. I ſée indéede, this Table may ſerue by due obſeruation for the laying out of any quantity. But now Sir, there is one thing which will breede ſome difficulty, for the difference of the quantities of Acres, is great in diuers Countries, by the cuſtome of the Countries: for by the cuſtome of ſome Countries, their meaſure is 24 foote to the Pole, in ſome 20. in ſome 18. and yet the ſtatute alloweth onely 16. ½ foote.

Sur. You ſay truely; yet when a *Surueyor* vndertaketh to lay out the land in any of theſe, he is to meaſure it by the ſtandard chaine; that is, by the chaine of 16 ½ foote.

Bayly. But the Countrey people, peraduenture will be obſtinate, and will haue the cuſtome meaſure, becauſe they will haue the content of their land ſéeme the leſſe: and ſo ſhall they rent their ground more eaſily, hauing it by the greater meaſure.

Sur. That is but a conceit that they ſhall haue it the cheaper: for admit that an Acre were as bigge as the *Corniſh Acre*, neere 140. ſtatute Acres: will any man thinke a Lord or his officers ſo ſimple as to grant the ſame, becauſe it hath but the name of an Acre, as hee would let the ſtatute Acre: It is nothing to the Lord what meaſure they take: for he muſt, and will apportion the price, according to the quantity and qualitie, be the Acre great or little.

A Corniſh Acre.

The great or ſmall meaſure, all one to the Lords.

Wood meaſure.

Bay. But Woods are alwaies meaſured with the Pole of 18. foote.

Sur. It is as the Buyer and Seller agree: for there is no ſuch matter decreed by any ſtatute, neither is any bound of neceſſitie.

Bay. Why is it then in vſe?

Sur. I take it, becauſe in vnderwoods, (for they are they

they that are thus measured for sale) haue in many places, sundry voide places and galles, wherein groweth little or no wood, or very thinne. And to supply these defects, the buyer claimeth this supply by measure. Why Woods are measured with the 18. foote pole.

Bayly. The difference is but a foote and ½ in a pole, which is nothing.

Sur. Yes, it is something, for in euery 5 ½ Acre, it gaineth aboue an Acre, Great difference between the 18. and 16 ½ pole.

Bayly. So might I haue béene deceiued: For truely, I did not thinke it had gotten so much. But I pray whence is the word Acre deriued?

Sur. As I take it, from the Latine word *Actus*, A deede: a daies worke of a plowe, in tilling the ground. Whence an Acre taketh name.

Bayly. It may be so: for a plowe will ayre an Acre a day.

Sur. We reade in 1 Sam. 14 14. that halfe an Acre of land was as much as two Oxen could plowe; And that is it which the *Burgundians*, and others in *France* doe call *Iournaux*, which I take, is as much as *Ingerum* in Latine, which containeth as much, as two Oxen or Horse can till in a day: in length 240. foot, and in bredth 120. which seemeth neere to agree with our Acre.

Bayly. We haue foure or fiue Horses, or two or three yoake of Oxen to till an Acre a day, where the former Ingerum hath but two. But the French haue another kinde of Acre, which they call an Arpent, which amongst them differeth in quantity, as ours doe differ in seuerall kindes of Poles: And their Arpent is 100. Pole, howsoeuer the Poles doe differ. One Pole they haue, which containeth 22. foote, and that is called The Kings Arpent, and vsed most in measuring of wood: another of 20. foote, another of 19 ½ foote, another of 18. foote. So that indéede, their Arpent doth little differ in the seuerall quantities from our Acre. An Arpent, or French Acre. The Kings Arpent.

Sur. I obserue one thing by the way, because you speake of *the Kings Arpent* in *France*, and other measures

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ſures there. I haue ſeene in ancient Records, and bookes of *Suruey* of great antiquitie, which doe ſhew, that the *Lords demeiſns* were meaſured with a Pole of 20. foote. which was called *maior menſura*, and the cuſtomary by a Pole, called *menſura minor*: which I take to be but 16 ½ foote, though in ſome places the Tennants claime the 18. foote Pole.

Maior & minor menſura.

Bayly. Then, let me aſke you another queſtion: You ſhall ſhortly come into a Mannor of my Land-lords, where the Copies doe ſpeake of an Acre ware, or warre: which I neuer could finde, or heare what it truely meant, nor what quantitie it containeth. But the Tennants make good vſe, in their conceits, of the name: for vnder that title, they will carry away 2.3.6.10. Acres, though they lie in 20. parcels, it is all but an Acre warr: and yet I haue ſeene ſome, vnder that title, not three Rodes of ordinary meaſure. How comes it to paſſe, thinke you?

Sur. To ſpeake truely, I cannot preciſely tell you: for I haue ſeene the like, eſpecially in *Suffolke*, *Northfolke* and *Eſſex*: But as I coniecture, it is a meaſured Acre, as an Acre by warrant. *Acra warr*, briefely written, an approued Acre: and the true fence being loſt by time, they make it like a figure of waxe, to draw it more or leſſe, as will beſt ſerue their purpoſe.

Molland.

Bayly. I haue alſo ſeene Land, vnder the name of Molland, and I haue heard much diſputation about the etimon of the word: Some holde it to be de mollendo, of cuſtome grinding at the Lords Will: Some otherwiſe, and leaue it vncertaine.

Molland and Fenland contrary.

Sur. There is no difficulty in it: for *Molland* is vpland, or high ground, and the contrary is *Fenland*, low ground, a matter ordinary, where they vſe to diſtinguiſh betweene theſe two kindes. But wee will leaue theſe ambigu-

ambiguous words. and ſo take my leaue, and betake me to my taske.

Bayly. Sir, I will not be troubleſome vnto you: onely, when you haue caſt vp your particulars, and finiſhed your buſineſſe of this Suruey, I will be bold to trouble you againe, to ſee what euery man holdeth, and the value both of the cuſtomary leaſed lands, and the Lords demeſnes. May I be ſo bold?

Sur. It is a thing which I ſeldome conſent vnto; for I muſt tell you this, hee is no true Surueyor for the Lord, that will make the ſame knowne to ſtrangers. I haue vndertaken the buſineſſe for the Lord, not for ſtrangers: And as he putteth me in truſt, ſo will I be ſecret in theſe things, and therefore I pray you in this pardon me. A Surueyor muſt be ſecret for his Lord.

Bayly. You ſhew me reaſon, and I was too raſh. But by your leaue, how ſhall the Iurie giue their allowance to your doings (as you ſay you will acquaint them with them) vnleſſe you deliuer euery particular plainely?

Sur. You muſt thinke there are ſome things which may be publique, as the names of grounds, the owners, their eſtates, buttes, bounds, and ſuch like, and their anſwers to the Articles; And ſome things priuate, and to be concealed, as the quantities, and ſuppoſed yearely values. Theſe are for the Lord.

Bayly. I thought I ſhould haue ſeene the whole method of your collections and obſeruations, to the end, that ſeeing I haue waded thus farre into the Art, I might be ſomewhat inſtructed, how to haue marſhalled and ingroſſed my Booke, when ſuch a worke were done.

Sur. Euery man in that caſe may vſe his owne method: yet if you be deſirous to ſee an exact courſe, in that kinde; I muſt referre you to the moſt commendable worke of Maſter *Valentine Leigh*, whom in that if

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M. Leas book of Surueying.

if you imitate, you ſhall treade the right way to the marke.

Bayly. Then I ſhall onely remaine thankfull vnto you, for your patience, and paines: and be ſtudious euermore, to doe you any ſeruice.

Sur. I thanke you. I haue a deſire to haue ſome communication with you, when I haue paſt ouer this little worke in hand.

Bayly. Willingly Sir, I will giue my diligent attendance. But I pray you, Sir, in what eſpecially doe you purpoſe to conferre with me: to poſe me, I feare, whether I haue forgotten that you taught me.

Sur. Not ſo: but you being Bayly of this Mannor (about which I haue, as you ſee, taken a ſerious perambulation) haue not, as I perſwade me, beene ſo carefull and prouident for the Lords profit, as you may: for there be diuers grounds, which by good and induſtrious huſbandry would be much bettered, as I will tell you further, at our next leaſurable meeting. For this time, fare you well.

The end of the fourth Booke.

THE

THE SVRVEYORS DIALOGVE, SHEVVING the different natures of Grounds, how they may be imployed, how they *may be bettered*, *reformed*, and amended.

THE FIFTH BOOKE.

BAYLY.

PErceiue Sir, you are now at some leasure, you are walking abroad to take the ayre, after your long and tedious sitting, and I thinke indeede you are weary.

Sur. I am somewhat weary: but a man that vndertaketh a businesse, must apply it, and not be weary, or at least, not seeme to be so.

Bayly. **But mee thinkes you apply it too hard, you might sometimes ease you, and giue your selfe to some game for recreation.**

Sur. They that are idle, may take their pleasures in gaming: but such as are called to liue by their labours, and haue a delight therein, doe (as all men ought) take pleasure, and thinke it a pleasing sport, to get meanes by their lawfull labours to liue.

Labour that lawfully gets, is a game of delight.

Bayly.

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Bayly. You say truth indeede: for the olde Prouerbe is, Dulcis labor cum lucro. But I pray you, whether walke you?

Sur. Into this next peece of ground.

Bayly. Nay it is an ill ground to walke in: for it is full of bogges, a very mouish plot, ouercome with weedes, and indeede, is of no vse.

Sur. I therefore goe to see it, and worthily to taxe you the Lords Bayly, of remisnes and negligent looking vnto the Lords profit, suffering such a peece of ground as this, to lye idle and waste, and to foster nothing but Bogges, Sedges, Flagges, Rushes, and such superfluous and noysome weedes: where, if it were duly drayned, and carefully husbanded, it would make good meddow in short time.

Bayly. I thinke that impossible: for there be many such plots you see in this leuell, and in many mens occupations, and some of them thinke themselues good husbands, I can tell you: and they see, that it is a matter of difficulty and charge, and therefore they thinke, and so doe I, that it is to no purpose to begin to amend it.

Sur. I thinke they haue more land, then they, or you haue experience how to conuert to best vse, they their owne, and you your Lords.

Bayly. If you be so skilfull, I pray tell me for the Lords profite, how it may be amended.

Sur. If you be ignorant how to amend it, and simply desire to learne, it were a fault in me to conceale from you the meanes how to doe it. But if you be careless or wilfull, it were good to leaue you in your ignorance, and to informe the Lord of your vnfitnesse, that a more skilfull might take the place.

Bayly. That is the worst that you can doe. But I trust I may be a Bayly good enough, and yet want one part of that which my place requireth to performe.

Sur.

Sur. Euen as well as a horſe may be ſaid to trauaile well enough, and yet lacke one legge.

Bayly. **I would be ſorry that compariſon ſhould hold: for then I could not but confeſſe, that I were a lame Officer, as there be in other kindes, euen of your owne profeſſion many. But I am not onely not wilfull, but I am willing to learne: and I doe not thinke any man ſo abſolute in his place and calling, but he may learne ſome point of his function, if at leaſt he will confeſſe his owne imperfections.** All men may learne.

Sur. Whether he verbally confeſſe them or not, the execution will bewray them, and the world will obſerue them in him by the fruits. And therefore it behooueth all ſuch as vndertake, and enter into any office or function, to examine the duties appertaining to ſuch an office: and finding his fitneſſe or vnfitneſſe, to performe it, ſo to leaue or take (though few ſtagger at any:) If his abilitie be weake, reaſon and duty may moue him to ſeeke expedient knowledge, leaſt he ſhame himſelfe, and ſlander the place he is in, deceiue his maſter, and wrong the people. And therefore I wiſh you to aske aduice, not only in this caſe, but in all other belonging to your charge. For as it is commendable to know more and more: ſo is it no ſhame to aske often.

Bayly. **I pray you then tell me, Sir, how muſt this peece of ground be handled, to be made meddow (as you ſay it will be made) or good paſture.**

Sur. It muſt be drained.

Bayly. **If that be all, I thinke, I can ſay it is to little purpoſe: for I haue made trenches to that end, as you may ſee where, and how. But it became little or nothing the better, and therefore I thinke, coſt will be but caſt away vpon it.**

Sur. It is a true Prouerbe: *Ignorance is an enemy to Art and experience.* What you did, it may be, you had good will to doe the Lord ſeruice in it: but the courſe you tooke Ignorance enemy to Art.

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tooke, was not in the right kinde. It is not enough to make ſuch ditches, as appeareth you haue done, they are too few and too wide. Neither did you rightly obſerue the fall of the water.

Bayly. **That were hard to be done in ſuch a place as this, where the water hath no fall at all, neither is the water ſeene much, as you ſee, but it is the moiſtneſſe of the earth that marres the land.**

Sur. But the moiſture comes by water, and the water is ſwallowed vp in this ſpungie ground, and lies vnſeene: yet if you marke it well, you may obſerue, which way it rills: for as you ſee, though this plot of ground be very leuell in apparance, yet if it were tryed by a iuſt leuell, it would be found declining towards yonder forlorne brooke, which you ſee is ſtopt vp with weeds, that it permitteth not the water conuenient paſſe. Therefore the firſt worke is, to rid the Sewer or chiefe water-courſe and then ſhall you ſee, that the grounds neere the cleanſed brooke, will become more dry, by the moiſture ſoking into the Sewer: then make your other draines, vſing diſcretion therein, namely, in cutting them ſtraight, from the moſt boggy places, to the maine brooke, euery of them as it were paralelly: then cut you ſome other draines ſloping, which may carry the water into theſe firſt draines, which againe will conuey it into the maine.

Bayly. **You ſee the ditches that I made, they were broad enough and deepe, fit to conuey much water, yet they did no good: can you preſcribe a better forme?**

Sur. Your ditches, for the forme, were too broad, and (as it ſeemes) too deepe, and that makes the water to ſtand in them, and being broad aboue, and narrow in the bottome, makes the looſe earth to fall in and choake the ditch. But if you will make profitable draines, you muſt firſt

first obſerue, how the water will runne in them: for ſo will it appeare preſently, and to make them as narrow aboue, as at the bottome, which at the moſt muſt not be aboue one foote and a halfe broad, and the cruſt of the earth will hold, that the earth fall not in againe. So will it in ſhort time make it appeare, that the moiſture will decay, and the grounds become more drie: and as it becomes freed of the ſuperfluous moiſture: ſo will the weedes that are nouriſhed by it, beginne to wither as they are depriued of their nouriture, which is too much water, which breedeth too much colde: and too much cold is the life of ſuch weedes as encreaſe in this ground: and therefore the weedes ſhould be often cut downe in the ſpring time, and by that meanes they will conſume, and better graſſe come in their ſteede: and the better, if cattle feede the ground, vpon the draining, as bare as may be.

Colde ground breeds weedes.

Bayly. But the draines you ſpeake of, may be dangerous for cattle, eſpecially for ſheepe and lambes.

Sur. Not, if they be kept alwaies cleanſed, and open, that ſheepe and cattle may ſee them: for the bigger ſort may ſteppe ouer then, and the leſſer may haue little bridges of the ſame cruſt, by vndermining the earth ſome three or foure foote, that the water may paſſe vnder.

Bridges ouer draines.

Bayly. Indeede, if the cruſt of the earth will beare it, this courſe is neceſſary. But there is much land in England loſt for want of draining, as the Fennes and low grounds in Lincolne-ſhire, Cambridge-ſhire, Norfolke, and other places, which I did thinke impoſſible euer to be made dry, by the art and induſtry of man. And yet as I heare, much of it is made lately firme ground, by the ſkill of one Captaine Louell, and by M. William Englebert an excellent Ingenor, and others. And truely it is much to their owne commendation, and to

The Fennes.

Captaine Louell. M. William Engleberd.

the common good of the inhabitants neere, and to the whole commen-weale. But these grounds are not drained by such meanes as you speake of.

Sur. Indeede, the draines are of vnlike quantity, but like in qualitie: one and the same rule of reason doth worke both the one and the other effect. But to say truely vnto thee, the people of those Countries (especially the poorer sort) where this kinde of publique benefit is thus gotten, had rather haue want by their fathers error, then to reape good and more plenty by other mens art and charge. And in their conceits they had rather catch a *Pike*, then feede an Oxe.

Bayly. They are either very vnwise, or very wilfull. But (no doubt) authoritie is aboue such contrary wilfulnesse, and doth or may enioyne them, for the Common weale, to consent and yeeld all aide in the businesse. But if they will needs fish and fowle, and refuse rich reliefe, we will leaue them to their wils, till reason in themselues, or compulsion, bring them to a more generall desire of so great a blessing.

Sur. Let it be so: What *Alders* are in the next ground?

Bayly. They are the Lords too, Sir: but the ground is so rotten, that no cattle can feede in it.

The Alder tree enemie to all grounds.

Sur. The *Alder* tree is enemie to all grounds where it growes: for the roote thereof is of that nature, that it draweth to it so much moisture to nourish it selfe, as the ground neere it, is good for no vse.

Bay. Doe you thinke this ground would be good, if the trees were gone?

Sur. Yes: for commonly the ground is good enough of it selfe, onely it is impayred by this kinde of wood: and therefore if the cause were taken away, the effect would dye.

Bay. Then will I cause them to be stocked vp.

Sur.

Sur. Nay, first it behoooueth you to consider, whether it be expedient or not: for although this tree be not friendly to pasture, meddow, or arable land, yet it yeelds her due commoditie too, without whose aide, in some places, where other wood is scant, men can hardly husband their lands without this. For of it they make many necessary implements of husbandry, as Ladders, Rayles, Hop-poles, Plow-stuffe, and handles for many tooles, besides fiering.

The Alder necessarie for many purposes.

Bayly. If it be so commodious, it is not only not good to stock them, but expedient to thertish them, where none are, to plant.

Sur. There is great difference betweene *necessitie* and the *superabundance* of euery necessary. For *Want*, is a great commaunder, and enforceth oftentimes to make proofe of improbable experiments, by which they get experience, and in many places they desire and search for that which *Will* in the time of plenty meerely neglecteth. And therefore where none of this kinde of wood groweth, (the place destitute of other meanes, and fit for this kinde of commoditie) *Will* may be forced to giue place to *occasion*: as in other things.

Necessitie a commander.

Bayly. I haue heard, that this kinde of wood is also good to make the foundations of buildings, in riuers, fennes, and standing waters, as also piles for many purposes in moyish and wet grounds.

Sur. It is true: this kinde of wood is of greater continuance in watry places, then any other timber: for it is obserued, that in these places it seldome or neuer rots.

Alder good to make Piles.

Bayly. It loued the water and moisture well in growing, and therefore it byketh it the better, being laid in it. But I thinke the Fyrre-tree is much of the same nature: for I haue seene infinite many of them, taken out of the earth in a moyish ground in Shropshire, betweene the Lordships of Oswestrie, and Elsemore, which (as it is supposed) haue lyen

Firre-trees lien in the ground since the floud.

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in the moist earth euer since the Floud, and being daily taken vp, the people make walking staues and pikes of them, firme and strong, and vse the chips instead of candles in poore houses: so fat is the wood to this day, and the smell also strong and sweete, the like is found in Lincolnshire in many places.

Sur. I know the places well, & I haue seene *pales* made of an Oke taken out of the same ground, of the same continuance, firme and strong, blacke as *Ibony*, and might haue fitly beene employed to better vses: and I take it, that most wood will last long vnder the earth, where it neuer taketh the open ayre. But the wood now most in vse for the purposes abouesaid, is *Alder* and *Elme*.

Bayly. May a man sow the seedes of thy Alder?

Alder hath no seede.

Sur. It beareth a kinde of seede, yet some haue affirmed the contrarie. But the seedes will hardly grow by art, though the plant by nature may. The branches of the tree & the rootes, are apteſt to grow, if they be set so as the water and moisture may be aboue the plant: for it delighteth onely in the moistest grounds. Is not this next close the Lords, called *Broad-meddow?*

Bayly. It is so: I perceiue you haue a good memorie, being but once, and so long since, vpon the ground.

Sur. It is most necessarie for a Surueyor to remember what he hath obserued, and to consider well the natures and qualities of al kindes of grounds, & to informe the Lord, of the meanes how to better his estate by lawfull meanes, especially in bettering his owne *demeisns*. So shall he the lesse neede to surcharge his Tennants by vncharitable exactions And forasmuch as of all other grounds none are (of their owne nature) so profitable,

Meddowes.

and lesse chargeable, as meddow grounds, which are alwaies readie to benefite the owner, summer and winter,

winter, they especially are to be regarded.

Bay. That is true indeede, and peraduenture it takes the name of the readinesse: for wee call it in Latine Pratum, as if it were semper paratum, either with the fleece for hay, or with the pasture to feede: and this meddow wherein now we are, is the best meddow that I knew: and I thinke for sweetnesse and burthen there is not a better in England. *Pratum, quasi semper paratum*

Sur. You doe well to aduance the credit of the Lords land, and you speake, I thinke, as you conceiue, because you are not acquainted with the meddowes vpon *Douebanke*, in *Tan Deane*, vpon *Seauerne side*, *Allermore*, *the Lords meddow*, *in Crediton*, and the meddowes about the *Welch-poole*, and especially a meddow not farre from Salisburie, neere a Bourne vnder the plaine, that beares grasse yearely aboue ten foot long; though many thinke it incredible, yet it is apparant that the grasse is commonly sixteene foote long. It is made shorter before cattle can feede on it, and when the cattle haue fed their fill, hogs are made fat with the remnant, namely, with the knots and sappe of the grasse. Best Meddowes in England.

Bayly. This is the strangest thing that euery I heard of, but surely these meddowes are made so good by Art, but naturally, I thinke, this may match the best of them.

Sur. Indeede, meddowes very meane by nature, may be made excellent by charge: but they will decay, vnlesse they be alwaies relieued. But these that I speake of, require little or no helpe at the owners hand, onely the aid of these riuers and fat of the hils ouerflowing, doe feede them fat, giues great burden, and very sweet.

Bayly. These yearely ouerflowings of fat waters after floods, no doubt are very beneficiall, as appeareth by the annale and yearely ouerflowing of the riuer Nilus in Egypt, which maketh the adiacent grounds so fat and fruitfull, as Riuers ouerflowing good. *Nilus* in Egypt, *Ios.* 3. 15.

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they be famous through the world for their fertilitie, and was allotted to Iosephs brethren in Egypt for their habitation.

Sur. You speake of a matter wonderfull in the conceits of some, that the riuer should so ouerflow in the summer, and yet it neuer raines in those parts at any time of the yeare.

Bayly. So I haue heard indéede; and Leo Africanus, Vadianus, Zeglerus, and other famous writers report it, as I haue heard: and that the flods grow in the heate of the yeare, about harueſt, betweene July, and September, with the snow melting, that fals in the winter-time, among the Mountaines.

The Lauent and the Leame.

Sur. We haue in England matter more strange, as the riuer neere Chichester in Sussex called the *Lauent*, which in the winter is dry, and in the drieſt Summer full to her bankes: So is the *Leame*, a Riuer in Barke-shire, neere *Leambourne*.

Bayly. That is strange indéede: one studious in naturall Philosophy, could tell the cause of this.

Sur. I take it to be, because they are onely fed with springs, which run onely when they are at the highest, namely, in the Summer, when the Sunne is highest.

Bournes.

And that also is the reason, why many *Bournes* breake out of the earth in sundry places, as we may read it hath done sometimes neere *Mergate*, in Hartford shire, corruptly called *Market*: and neere *Croyden* in Surrey, neere *Angleton* and *Patcham* in *Sussex*, and in many other places in this Realme: which breake forth suddenly out of the drieſt hill, in Summer, and run for a time in such abundance, as it would driue many Mils. Not yearely, but in sixe, eight, or ten yeares.

Water smelling like Violets.

Bayly. Because you speake of Angleton, I can assure you there is a Well, that sometimes yéeldeth water, which when you

you waſh your hands with, it ſmelleth like violets. Some would (no doubt) giue much for ſuch excellent water.

Sur. Though the ſmell be ſweete, I hold not the water ſo wholeſome: for it is in it ſelfe *leuis putredo*, a kind of putrifaction, which paſſing lightly by the ſenſe of ſmelling, deceiueth the ſenſe, which if it tooke a more ſerious note of it, would finde it a kind of ſtincke: as your pureſt Muske and Ciuit, the more neerer the ſenſe it commeth, and the more the ſenſe chargeth it ſelfe with the whole ſent, the more lothſome it wil proue. But theſe are things comming into our talke by the way: let vs return to our matter of meddowes, the cauſe of whoſe goodneſſe is the ſoyle, and ouerflowing with the moſt muddy water.

Leuis putredo.

Senſe deceiued

Bayly. **No doubt, it is an admirable helpe vnto them: nay, I by ſmall experience that haue found, can tell you a pretty Parador, how ſay you to this? Boggy and ſpungie ground, whereof we diſcourſed before, though in it owne nature it be too moiſt, yet if it be ouerflowed with water often, it will ſettle and become firme: which howſoeuer in my poore vnderſtanding, it would ſeeme oppoſite to reaſon, that water ſhould helpe watery ground, yet experience findeth it ſo.**

Boggy grounds helpe by ouerflowing.

Sur. All ouerflowing waters doe bring a ſlimy and fat ſubſtance with them, and leaue it behind them: which together with the working of the water, through the ſpungie ground you ſpeake of, worketh that effect in all grounds where it comes.

Two ſorts of Meddowes.

Bayly. **But waters cannot be brought into all kindes of boggy grounds, nor into all kindes of Meddowes.**

Sur. No, for there are two ſorts of Meddowes, low and moiſt, and vpland, and dry meddowes, of theſe kinds the low is commonly the beſt: becauſe they are apteſt to receiue theſe falling and ſwelling waters, which for the moſt part brings fatneſſe with it: and beſides it moiſte-

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neth the ground, and makes the graſſe to grow cheerefully: yet howſoeuer fat and fruitfull they be, continuall mowing yeerely without intermiſſion, may weaken them, and impaire their goodneſſe, and wil require ſome helpe, vnleſſe they be ſuch meddowes as I recommended vnto you ere while, that are ſo fed with fat ouerflowing waters, as doe ſtill maintaine them in ſtrength.

Bayly. **When muſt the vpland meddow, by often and continuall cheering, needes decay.**

Vpland Meddowes haue but the name.

Sur. The vpland meddowes haue but the name of meddowes: for indeede, they are but the beſt paſture grounds, laid for hay. And to diſtinguiſh betweene that kinde of meddowe and paſture ground, or betweene paſture and arable, is friuolous: for that kind of meddow is moſt properly paſture, and all paſture grounds may be tilled. For when we ſay arable, it is as much, as if wee ſaid, it is ſubiect to the plough, or land which may be plowed: and why then may not a man ſay, that which is now paſture, is arable? that is, conuenient to be tilled. And on the contrary, that which is now tilled, may be paſturable: namely, apt to graze, and to feede cattle.

Hard to diſtinguiſh grounds.

Bayly. **You proue that it is ſuperfluous in manner, to diſtinguiſh the qualities of grounds.**

Sur. I confeſſe, a Surueyor may note the quality of euery kinde, as he findeth it in the time of his perambulation and view. But peraduenture, the next yeare, he that comes to diſtinguiſh them, may enter them cleane contrary to the former. And therefore it is not amiſſe, in all ſuch entries, to adde the word (now:) as to ſay, now tilled or now paſture, now vſed for meddow: vnleſſe it be low meddow alwaies mowne. But he that ſhall enter a peece of vpland ground, (though it be ſometimes mowne) vnder

vnder the name of meddow, erreth in his entrie. But for that, let all men follow their owne fancies. But becauſe we ſpeake of vpland meddowes, we will accept all mouable grounds in that ſenſe. And of ſuch I will firſt ſpeak. They are either of a clay ſoyle, and ſo naturally fat, or ſtiffe: or a ſandy earth, enriched & made fat by induſtry: and both of theſe by mowing yearely without intermiſſion, and ſupply of helpe, may be ſo impayred, as it will yeelde little benefit to the owner. The nature therefore of euery ground muſt be conſidered: for the vpland and high ground may be alſo watry, and conſequently cold and moiſt, which kind of grounds are generally clay: for a ſandy and grauelly ground lying high, and depending, is ſeldome or neuer found moiſt by nature, but dry, and conſequently hot. So that all vpland grounds are commonly either too cold & moiſt, or too hot and dry: either of which muſt haue his ſeuerall helpe. For as the conſtitution of a mans body, is found by the effects of *fatneſſe*, *leanenеſſe*, *heat*, and *cold*: So doe the earths diſcouer their natures by their fruit, which nature cauſeth them to bring forth in infinite kinds. The cold and watry grounds yeelde long, but ſoure and vnprofitable graſſe, ruſhes, and ranke moſſe: which kinde of ground muſt be cured, if neede require, with drains, but commonly theſe grounds are of clay, and clay will neuer giue way, or euacuation to the water, becauſe the ground is hard and ſtiffe, contrary to the open and ſpungie ground, which is thin and open. And therefore the hotteſt chalke or lime is beſt to kill the ſoure graſſe, & vnprofitable moſſe. So is cole-duſt aſhes, and fine dry ſand: and chimney ſoote, if ſufficient quantity could be gotten: and after theſe things thus laid, it is expedient to giue it a tilth or two,

Meddowes of different natures.

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two, and then to let it lie againe, if it be to be vſed for Meddow or Paſture. And for the other grounds which are hot and dry by nature, the contrary is to be vſed, by vſing meanes to coole the heate, and to moiſten the drineſſe: and that is, by beſtowing ſome fat and ſlimy *Marle* vpon them, which will much cheriſh and reuiue the parched graſſe, and kill the hungry moſſe that groweth by the drineſſe of the earth, as a *ſcurfe* or *tetter* on the body, by the heate that proceedeth of a ſalt humor. The natures of theſe two kindes of grounds are alſo found out, whether they be cold and moiſt, or hot and dry, by the quantity, and quality of their fruites, as the ſeaſons of the yeare be dry or moiſt: for that ground that groweth beſt in a moiſt yeare, is hot and dry. The clay ground in a moiſt yeare (if it be not too moiſt) may be alſo comforted, becauſe in too dry a yeare, the clay becommeth ſo ſtrongly bound, that the tender graſſe can hardly make way through the obdurate earth: whereas moderate moiſture mollifieth the ſame, cheriſheth the roote, and giues way for the graſſe: and if it haue too much moiſture, it becommeth ſo ſlimy, and the rootes ſo drenched, as it turneth the graſſe into a ſpirie kinde, and that but ſhort, and by the colde that commeth of the too much moiſture, it increaſeth ruſhes aboundantly, and thicke moſſe: So that it appeareth, that the ſeaſons of the yeare doe either helpe or hinder the increaſe of all kinds of grounds: which the art or induſtry of man cannot preuent. For many times the helpes, that man vſeth to aſſiſt and helpe nature, doe hinder it: as where compoſt & ſtable ſoyle is laid vpon a dry ground, reſerued for graſſe, if a dry yeare follow, the heate of the ſoile and the drineſſe of the yeare, doe ſo impouerish the graſſe,

Clay ground.

Helpes intended ſometimes hinder.

graſſe, that it yeeldeth the owner leſſe increaſe, then if he had beſtowed no ſoile at all: yet men ought not to be remiſſe, in ſoyling their lands: for if it preuaile not in one yeare, they ſhall finde it at another time very profitable: and for all ſeaſons, I perſwade men to make meanes, where it may be done, to induce out of ſtreets, lands, wayes, and ditches, all the water, that by ſome extraordinarie raine paſſeth through them, into their grounds, by making ſome little dam, or barre to draw them into their grounds: for the matter which this water bringeth with it, is commonly ſo rich and fat, as it yeeldeth a marualous refection to all the grounds, high or low, into which it may be brought: which kinde of huſbandrie is much vſed in Summerſetſhire, Deuon, and Cornwall, to their admirable aduantage, and in ſome other places heere, and there, but not ſo generally, as in prouidence men might, for a richer experiment is not neglected.

Bringing of ſtreet water into grounds profitable.

Bayly. **This is a good courſe, no doubt, in places where it may be put in execution: but as you ſay, all men are not ſo prouident, and painefull, which indeede is a great fault, and wherein I my ſelfe I confeſſe, haue beene culpable: but I will be more carefull as well in that, as in other things, whereof you haue put me in minde. And truely I thinke, there is much profit wilfully loſt in many places by negligence, want of ſkill, and ſparing of ſome ſmall charge. You haue hitherunto ſpoken onely of vpland meddow grounds, but you deuided meddowes into two ſorts: what ſay you to the ſecond, namely low meddowes? for I haue ſeene and obſerued as great defects in them, by reaſon of their too often mowing without reſt, as may require ſome conſideration how to repaire them: for ſome of theſe grounds are as much annoyed by too much moiſture, as the vpland with the want of it.**

How waters doth good to meddowes.

Sur. For the too much moiſture, if it be but in the winter

winter ſeaſon, and continue but vntill the middle or end of Aprill, it doth not onely no harme, but good: for if you marke and obſerue it well, you ſeldome or neuer ſee bogges, where the water ouerflowes, and ſtands in the winter time. But if it be more permanent, & of a longer ſtay, there muſt be meanes vſed for euacuation: for in many places you may perceiue certaine lowe places in meddow grounds: where if the water once take a ſtanding, it will cauſe the ground to ſinke more and more, and therfore that kinde of water muſt be vented betimes, for otherwiſe it killeth the graſſe, and makes the place bare in a drie ſummer, when the water is gone, or elſe it will cauſe ſuch a coldneſſe to the earth, as it will bring forth more ruſhes then graſſe. And therefore it muſt be a principall care, to haue all riuers, Sewers, and water draines, well cleanſed and ſcoured, that vpon occaſion, when time requireth, when you will conuey the water from the Meddowes, it may haue a due current, and likewiſe vpon occaſion to ſtoppe the riuers, to the end the water may ouerflow at times conuenient.

(Water how it may be hurtfull to grounds.

Bayly. **But ettoples of water courſes, doe in ſome places grow by ſuch meanes, as one priuate man or two cannot by force or diſcretion make remedie. As when Sewers be common, ſometime betweene Lordſhip and Lordſhip, pariſh and pariſh, or betweene a multitude, among whom it is alwaies ſeene, ſome will be peruerſe and wilfull: and hinder the beſt publique action that is, though the doing of it be neuer ſo profitable to themſelues, and the omitting hinderance. Beſides this, you ſee vpon diuers ſtreames Water-mils, which by reaſon of their high pitch, barre backe the water that ſhould haue cleere paſſe: ſo that ſundry mens grounds are drowned, euen vntill, and at the time of haying. And for the moſt part, theſe Mils doe appertaine to great perſons, who rather**

Mils of too high a pitch pen the water.

rather then they will loſe a penny of their profit, will hazard the loſſe of a pound to poore men. What remedy is there for any of theſe miſchiefes?

Sur. For euery of them the law hath prouided remedy. And the greateſt hindrance is either neglect or feare of complaint: and vpon complaint in places, and to perſons appointed to reforme, neglect of iuſtice to be executed, *Leetes or law-daies, generall Seſſions, Commiſſioners of Sewers, and actions at the common law*, are prouided to right theſe wrongs: therefore ſpeake no more of this, as matter of impeachment of the grounds, which of themſelues are naturally good or euill. But rather ſeeke the meanes to better and helpe the ground, which, as you obiect, is weakened by often cutting. When a man obſerueth ſuch decay in his Meddow, let it lie ſome few yeares to paſture, and be eaten very low, it will procure ſome heart againe. If not, take the fatteſt earth that may be gotten, and let it lie a yeare if you can, to diſſolue, and when it is dry and will crumble ſmall, mingle it with good and well-fatted dung, and lay them a while in a heape, vntill they be ſufficiently incorporated, which will be in one Winter, then carry it into your meddow about the beginning of March, or before, and then caſt it abroad vpon the meddowes, not too thick, nor the clods too great, it will reuiue the weakened mould, and make the graſſe ſpring againe very freſhly.

How to amend weakned meddow.

Bayly. **I thinke this be good alſo for barren paſture.**

Sur. It is very excellent for paſture, for he that will beſtow the coſt, ſhall finde his recompence in ſhort time. It is worthy the obſeruance, though the care, coſt, and paine be great.

Bayly. **I ſee in ſome meddowes gauly places, where little or no graſſe at all groweth, by reaſon (as I take it,) of the**

Gauly places in meddowes.

to

to long ſtanding of the water, for ſuch places are commonly low where the water ſtandeth, not hauing vent to paſſe away, and therefore meanes muſt be firſt made for the euacuation of the water: for the continuall ſtanding of the water conſumeth the graſſe, and makes the place bare, and ſinketh it.

Clauergraſſe.

Sur. In ſuch a place therefore, ſow in the ſpring time ſome hay ſeede, eſpecially the ſeede of the Clauer-graſſe, or the graſſe hony-ſuckle, and other ſeedes that fall out of the fineſt and pureſt hay: and in the ſowing of it, mingle with it ſome good earth. But ſow not the hony-ſuckle graſſe in too moiſt a ground, for it liketh it not, therefore you muſt draine the place before you ſow it.

Bayly. Is it not good ſometimes to till and ſow the meddow grounds?

To till meddow grounds.

Sur. Yes, vpon good occaſion, as you finde by the ſlender crop of hay it beareth in a ſeaſonable Summer, and by the moſſe that the ground begins to faint, as it were vnder the burthen of continuall bearing, fallow it, and let it lie a whole ſummer, and in the fall of the leafe plow it againe, and at the ſeaſon ſow it with peaſe or fetches, next with wheat, & laſtly with fetches and hay duſt, laying it as plaine & leuel as you can. Then feede it the next ſummer, and after that, hayn it and mowe it, and within a yeare or two, the graſſe will be fat, ſweet and good.

Meddow ground burned.

Bayly. I haue ſéene meddowes, as well as other arable lands, namely, the cruſt of the earth cut in turffes and burned, and ſo ſowne as aforeſaid.

Sur. This kinde of huſbandry is neither vſuall nor expedient in all places, eſpecially in meddow grounds, vnleſſe the meddowes be too much ouergrowne with moſſe, through too much moyſture and colde: yet indeede I haue ſeene it in ſome part of *Shropſhire*. But I haue

haue thought it rather done for the corne sake, then for restauration of the meddow.

Bayly. But I like not this husbandry in any sort, in good meddow grounds, for I thinke it weakens the earth.

Sur. You needs not feare it, for experience hath found, that it hurteth no kinde of ground, if it be not ouermuch and too often burned. But I leaue euery man to his owne fancie.

Bayly. Surely, I thinke there needes no helpe to good meddow grounds, for it requireth small trauell, and lesse charge, and of all grounds (as was said in the beginning of our speech) it is most beneficiall. Meddow most beneficiall.

Sur. Euery thing hath his time and course, a growing, a perfection, and decay. And the best ground may be ouercharged, the plow, and the sithe will weaken, if there be no helpe by Art or Nature, euen the best earth: for though nature wake and worke when we sleepe, and are idle, yet when nature faileth, wit and industry must worke and supply what Nature wanteth. And therefore he that hath best meddow grounds, if he be a good husband, will obserue how they stand in force, or feeblenesse, and accordingly indeuor to helpe the defects: he must neither sleepe for the too much heat in Summer, nor keepe house in Winter for too much cold: but both Winter and Summer giue such attendance and aide vnto his land, as in discretion he shall finde most behouefull: for land is like the body; if it be not fed with nutriture, and comforted and adorned with the most expedient commodities, it will pine away, and become forlorne, as the minde that hath no rest or recreation, waxeth lumpish and heauy. So that ground that wanteth due disposing & right manurance, waxeth out of kinde: euen the best meddowes will become ragged, and full of Land like the body.

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of vnprofitable weedes, if it be not cut and eaten, some will become too moist, and so grow to bogges; some too dry, and so to a hungrie mosse. And therefore according to the naturall inclination, men are to endeauour to prepare preseruations, or reformations, namely, to keepe the good in good case, and to bring the euill to a better state. If it be too moist, you must seeke to drie it: if it be too drie, you must vse meanes to moysten it.

Bayly. What if there be such places in a meddow, as neither Art nor charge can conuenientlie make drie, or fit for grasse, as I know many, and (no doubt) so doe you, which will be vnprofitable whatsoeuer course be taken, vnlesse more charge be laide vpon it, then it can requite?

Sur. In such places the best course is to plant willowes red or white, namely, in euery voyd plot of lowe ground that is too moist, & of little vse, as also neere vnto, and in hedge-rowes: for those kindes of willowes are very profitable and little hurtfull, and delight most in watry places, where profitable and sweete grasse likes not: They grow speedily, and beare much, and serue for many vses in husbandry.

To plant Willowes.

Bayly. In this indeede I can approue your Iudgement by mine owne Art and experience: for about seuen or eight yeres since, I set a certaine number of these kindes of Willow poles, shaped and cut for the purpose, and indeede I cut them and set them in a drie time, for I can tell you, although they loue the water well in their growing, wet is an enemie vnto them being cut from the tree, & in the time of their replanting: some I set in the end of Ianuarie, some in the beginning of Februarie, when the extremitie of the colde is neere gone. I set some in a meddow by a riuers side, some in a bottome, where the water falls most in the time of raine, and I set euery one of them fiue foote asunder, and for three yeeres space I kept them pruned very carefully: and at this present time they haue

Setting of Willowes.

haue heads and branches of verie great burden, euery three trées neere a loade of wood. And I doe not thinke, but euerie fiue or fixe yeares will affoord as much and more: for as the bodie of the tree doth increase, the branches will augment in greatnesse: and this without losse of much ground, or hinderance to the grasse. Nay, I finde that vnder these trées, the grasse is most ranke and fruitfull, not onely by reason of the dropping of the boughes, but by the fall of the leafe in Autumne, as also by the cattell sheltring and shadowing vnder them. And moreouer, I haue planted an Ozier-hope, (for so they call it in Essex, and in some places an Ozier-bed) in a surrounded ground, fit before for no other vse, for the too much moisture and ouerflowing of it. And to tell you truely, I thinke, it yeeldeth me now a greater benefit yearely, Acre for Acre, then an Acre of best wheat: and that without any great trauell or charge, and the ordinarie increase seldome fayling. Onely I finde, that this kinde of tree broketh not the shadow of any other tree, but delighteth in the open ayre, and in the Sunne beames: so imperiall or sullen is this little plant. And truely I conceiue, that men that haue such grounds, as befit this kinde of commoditie, come short of good husbands, if they plant them not.

Ozier hope.

Ozier broketh no shadow.

Sur., You say in this very truly: and it is a great shame for many capable wits, and able bodies, that they hauing liuings and leasure, imploy neither of them to their vttermost profitable ends: for land is giuen to man, to the end he should till it, manure it, and dresse it: namely, hee should set, sow, and plant vpon it, and in due discretion to conuert euery place to his fittest fruit. For I am of opinion, that there is no kinde of soile, be it neuer so wilde, boggy, clay, or sandy, but will yeeld one kinde of beneficiall fruit or other.

All grounds good for some vse.

Bayly. Nay, by your leaue, I thinke, the pibbles or beach stones vpon the sea coast, about Orford, Neise in Suff. the

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Peaze vpon the beach grow naturally.

Camber in Suſsex, and ſuch like, are good for no vſe, eſpecially for any profitable fruit: for I thinke, there is no firme ſoyle within a ſpeares length of ſome part of the higheſt of them.

Sur. You ſpeak not now of ſoyle, you ſpeak of ſtones, and yet haue I eaten of good and nouriſhing fruit, growing euen there, as *peaſe*, pleaſant, wholeſome, and good, growing of their owne accord, neuer ſet or ſowne: but they differ in the manner of branching onely, the bloſſomes differ not much, but the coddes hang in cluſters, eight, tenne, or twelue in a bunch, and taſt as other peaſe.

Bayly. That is ſtrange, that they ſhould grow where no firme earth is neare, and without ſetting or ſowing: me thinks, if they be of any abundance, poore people might make vſe of them, if they be wholeſome and not forbidden.

Sur. So doe they in the times of dearth and ſcarſitie,

Pewets and Oliues, &c.

Bayly. I haue ſeene vpon theſe grounds, ſtore of Pewets, Oliues, and Cobbes brade, fowles of great requeſt at moſt honorable tables.

Sur. So haue I, but to allure them, it is good to ſtrew ruſhes and graſſe vpon the *beach*, whereon to lay their egges about March, vnleſſe there be ſtore of ſea-weeds to ſerue for that purpoſe. But for your other ſorts of grounds, as boggie, and hot, and ſandy grounds, commonly barren, I ſee not how they may be employed to any great profit. For the firſt, namely, your low & ſpungie grounds, trenched, is good for hoppes, as *Eſſex*, and *Surrey*, and other places doe find to their profit. The hot and ſandy, (omitting graine) is good for *Carret roots*, a beneficial fruit, as at *Oxford*, *Ipſwich*, & many ſea townes in *Suffolke*: as alſo Inland townes, *Berrie*, *Framingham*, and others in ſome meaſure, in the ſame ſhire, *Norwich*, and many places in *Norfolke*, *Colcheſter* in *Eſſex*, *Fulham*, and other places neere *London*. And it begins to increaſe

Hoppes.

Carret rootes.

in

in all places of this Realme, where diſcretion and induſtrie ſway the mindes of the inhabitants: and I doe not a little maruell, that huſbandmen and Farmers doe not imitate this, for their owne families at leaſt, and to ſell to their poore neighbours, as in ſome places they begin, to their great profit. I haue alſo obſerued in many places, where I haue had occaſion to trauell, that many croftes, toftes, pingles, pightels, and other ſmall quillits of Land, about farme houſes, and tenements, are ſuffered to lie altogether idle: ſome ouergrowne with nettles, mallowes, thiſtles, wilde tezels, and diuers other vnprofitable weedes, which are fat and fertile: where, if the Farmer would vſe the meanes, would grow ſundry commodities, as *hempe* and *muſtard-ſeede*, both which are ſo ſtrong enemies to al other ſuperfluous, and vnprofitable weedes, as they will not ſuffer any of them to growe where they are ſowne. The hempe is of great vſe in a Farmers houſe, as is found in *Lincolnſhire*, *Suffolke*, *Norfolke*, *Suſſex*, *Dorſet*, and in many places in *Summerſet*, eſpecially about *Burport*, and *Lime*, where the people doe finde by it great aduantage, not onely for cordage for ſhipping, but alſo for linnen & other neceſſaries about a houſe: So is alſo the *flaxe*, which is alſo ſowne in many places, where good huſwiues endeauour their wits, wils, and hands to that commodious and profitable courſe, and the *flaxe* will like well enough in a more light and gentle, and leaner ſoyle, then the hempe. And indeede there is not a place ſo rude, and vnlikely, but diligence and diſcretion may conuert it to ſome profitable end: & among many other commodities, I maruell men are no more forward in planting of *Apple-trees*, *Peare-trees*, Crab-ſtockes, and ſuch like in their hedges, betweene

Many waſte grounds, might y eeld profit.

Hempe.

Muſtard-ſeede.

Flaxe.

Apple trees.

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their fields, as well as in Orchards: a matter praiſe worthy, and profitable to the planter, and to the common wealth very beneficiall.

Bayly. Indeede, I haue thought vpon this kinde of husbandry, but I haue beene preuented of mine owne desires by a preiudicate conceit, that these fruits wou'd redound little to my benefit, for that I thinke they will be ſtollen, the hedges troden downe, and the trees broken for the fruits sake.

Sur. Negligence may eaſily finde excuſe; but this obiection is friuolous: for I know in *Kent*, *Worceſterſhire*, *Shropſhire*, *Gloceſterſhire*, *Somerſet* and *Deuon*, and many parts in *Wales*, full of this commoditie, euen in their remote hedge-rowes And although ſome few be loſt, ſith the reſt come ſo eaſily, ſo fully, & ſo freely, a good minde will not grudge at a way-faring paſſenger, taking for his refection, and to qualifie the heat of his trauell, an apple or a peare: for the remnant will content the well conditioned owner. For I haue knowne, that (all the ſtolen allowed) the fruit thus diſperſedly planted, haue made in ſome little Farmes, or (as they call them in thoſe parts) *Burgaines*, a tunne, two, three, foure of *Syder* and *Perry*, which kinde of drink reſembling white-wine, hath without any further ſupply of Ale or Beere, ſufficed a good houſholder and his family, the whole yeare following, and ſometimes hath made of the ouerplus twenty nobles, or ten pounds, more or leſſe; yea, there is a Pariſh in Deuonſhire called *Stoforddon*, wherein is commonly yearely made as much *Syder* as the tyth thereof amounteth yearely at two pence the hogeſhead, vnto aboue forty markes, and yet not aboue 70. Tennants in the whole Pariſh.

Syder.
Perry.

Bayly. This ſurely cannot be but confeſſed, to be very beneficiall, both for the priuate and publique weale. And I my ſelfe

ſelfe haue noted, that Mid. in former times, hath had regard to this kinde of commoditie: for many Appletrées, Peare-trées, Seruice-trées, and ſuch like, haue béene planted in the fields, and hedge-rowes, eſpecially in the North and Eaſt part of the ſhire, as alſo in the South part of Hartfordſhire, which are at this day very beneficiall to the inhabitants, both for their owne vſe and reliefe, as alſo to vent diuers waies at London by the good huſwife. But the trées are now for the moſt part very ancient, and I doe not ſée ſuch a continuall inclination in the time preſent, to continue or increaſe this benefit for the vſe of poſteritie: neither did I euer know much Sider and Perry made in theſe parts, neither doe I thinke they haue ſufficient ſkill or meanes.

Sur. I thinke indeede, little *Syder* is made there, ſome *Perry* there is here and there: but more in the Weſt Countrey, and in *Kent*, a place very fructiferous of that kinde of fruit. Kent.

Bayly. Yet is there not ſo much Sider made, for all the great abundance of fruit, as there might be, but in the Inland.

Sur. The reaſon is, becauſe that neere *London*, and the *Thames* ſide, the fruit is vented in kinde, not onely to the Fruterers in groſſe, but by the country wiues, in the neereſt part of *Kent*, *Middleſex*, *Eſſex* and *Surrey*, who vtter them in the markets, as they doe all other vendible things elſe.

Bayly. But aboue all others, I thinke, the Kentiſhmen be moſt apt and induſtrious, in planting Orchards with Pippins and Cherries, eſpecially néere the Thames, about Feuerſham, and Sittingburne. And the order of their planting is ſuch, as the ſome delighteth the eye, the fruit the taſte, and the walkes infinite recreate the body. Beſides, the graſſe and herbage, notwithſtanding the trées, yéeldeth as much benefit, in manner, as if there were no trées planted at all, eſpecially for hay.

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Sur. It is true: and in mine opinion, many men hauing Tenements, and time in them, make not halfe the profit, which by due and discreet industry they might.

Men vntaught know little.

Bayly. Truely I now so conceiue it: for you haue in many things, made me see mine owne indiscretion and negligence: but in many of them feare hath more preuailed with me, then wilfull refusall. And so I thinke it doth in other men, who also with my selfe, are ignorant of many points of prouidence and good husbandry: because they are not generally trauellers to see other places, neither hath their breeding beene iudicious, but plaine, according to a slubberd patterne of ancient ignorance, by which they onely shape all their courses, as their Fathers did, neuer putting in practise any new deuise, by the rule of more reason. And therefore indeede, we that liue in this age of ignorance and idlenesse, may betake vs to a better course without any disparagement, if wee conforme vs to new and probable precedents, as time and triall will yeelde experience. But surely, I hold your opinion good for the planting of fruit trees, not onely in Orchards, but in the hedge-rowes and fields: for I thinke, we haue of no tree more necessary vse.

Many follow old husbandry.

Oake, Ash, and Elme.

Sur. It is true in respect of fruit. But in other respects, the *Oake*, *Elme* and *Ash*, are more precious.

Bayly. These indeede are building trees, and of the three, the Oke is of most request, a timber most firme and most durable. I haue beene no great traueller, and therefore I can speake little of the increase or decrease of them, other then in the places where I am most resident, and where my ordinary affaires doe lie. And for those parts, I can say, that they increase not, though they seeme not to be wanted: for you see this Countrey inclinable to Wood and Timber much: yet within these twenty yeares they haue bin diminished two parts of three: and if it goe on by like proportion, our children will surely want. How it is in other Countries I know not.

Sur.

Sur. I haue ſeene many places of note for this kinde of commoditie, (for ſo it is, howſoeuer it hath beene little preſerued) and I finde, that it hath vniuerſally receiued a mortall blow within the time of my memorie: notwithſtanding there is a Statute for the preſeruation and maintenance of the ſame, and the ſame continued to this day, but not with wiſhed effect, as we haue thereof ſpoken before.

Oake much decayeth. 33. Hen. 8.

Bayly. I will tell you Sir, careleſſe Gentlemen, that haue Pannors and Parkes well wooded, left them by their carefull auncettors, that would not ſtrip a tree for gold, are of the minde (as it ſeemeth) that the ſhadow of the high trees doe dazle their eyes, they cannot ſee to play the good husbands, nor looke about them to ſell the land, till the trees be taken out of their ſight.

Sur. Can you breake a ieſt ſo boldly vpon men of worth?

Bayly. You ſee as well as I, ſome doo it in earneſt: and I thinke indeede, it is partly your fault that are Surueyors: for when Gentlemen haue ſunke themſelues by rowing in Vanities boate, you blow them the bladders of lauiſhing helpes, to make them ſwimme againe a while, counſelling firſt to cleare the land of the wood, (in the ſale whereof is great abuſe) perſwading them they ſhall ſell the land little the cheaper. And indeede I hold it prouidence, where neceſſitie commands, to chooſe of two, the leſſer euill: namely, to ſell part of a ſuperfluous quantity of wood, where the remanant will ſerue the party in vſe, rather then the land. But withall, it is the part of a good Surueyor, to counſell frugality, and a ſparing ſpending, according to the proportion of the meanes of him he trauels for. And if that great Emperor Neceſſitie will needes haue hanocke, ſell the wood, or priſe it ſo, as he that buyes the land haue not the wood for nought as is often ſeene, when the wood and timber ſometimes is worth the priſe of wood and land.

Gentlemen ſell their woods too faſt.

A Surueyor muſt counſell frugality.

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Affection.

Sur. It seemes, when you come to be a Surueyor, as you labour to be, you will be very carefull in your counsell: but it may be, when you seeme to haue best skill, and earnest desire to draw the line straight for a man inclinable to his owne will, he will rather giue into the hands of some one that feedes his conceits with flattery, and he shal mannage the building, when you haue laid the foundation: And what he doth, be it right or crooked, is leuell with the marke. And therefore leauing euery man to him he likes, I say onely this, that sith timber, and timber-trees, and wood by due obseruation, are found to decay so fast, me thinkes, in common discretion it should behooue euery good husband (for all would be so accounted) both vpon his owne land, as also vpon such as he holds of other mens, not onely to maintain, and to the vttermost to preserue the timber-trees, and saplins likely to become timber-trees, Oke, Elme and Ash: but voluntarily to plant young: and because there is not onely an vniuersall inclination to hurle downe, it were expedient that sith *Will* will not, *Authority* should constraine some meane of restauration, namely, to enioyne men, as well Lords, as Tennants, to plant for euery sum of Acres a number of trees, or to sow or set a quantity of ground with Acornes, Ashkeyes, Hawberries, Nuts, &c.

Simple men doe mannage mens business through flatterie.

All men ought to preserue Timber.

Bayly. I remember there is a Statute made, 35. Henry the 8. and the 1. Elizabeth, for the preseruation of timber-trees, Oake, Ash, Elme, Aspe, and Beech: and that twelue Rozers and standils should be left standing at euery fall, vpon an acre: but me thinkes, this Statute is deuoyded, and the meaning abused: for I haue seene in many places at the fals, where indeede they leaue the number of standils and moze; but in stead, they cut downe them that were preserued before, and at the next fall, them that were left to answere the Statute,

35. Hen. 8. 1. Eliz.

The Statute abused.

and

and young left againe in their steads: so that there can be no increase of timber-trees, notwithstanding the words of the Statute, by this kinde of reseruation, vnlesse such as were thus left, were continued to become timber-trees indeede: And therefore it were not amisse, that some prouision were made, to maintaine the meaning of the Statute in more force: but I leaue that, to such as see more abuse then I see, and haue power to reforme it.

Sur. It is a thing indeede to be regarded, for the abuses of woods are infinite and intollerable.

Bayly. Surely it is, especially in places where little timber growes: for there is no Countrey, how barren of timber so euer, but hath vse of timber: and therefore, if neither mens owne wils, seeing the eminent want, nor force of iustice will moue and worke a reformation, we may say as the Prouerbe is, Let them that liue longest, fetch their wood farthest. Want of wood and timber feared.

Sur. But some Countries are yet well stored, and for the abundance of timber and wood, were excepted in the Statute, as the welds of *Kent*, *Sussex* & *Surrey* which were all aunciently comprehended vnder the name of *Holmes dale*. There are diuers places also in *Darbishire*, *Cheshire* and *Shropshire*, well wodded. And yet he that well obserues it, and hath knowne the Welds of *Sussex*, *Surrey* and *Kent*, the grand nursery of those kindes of trees, especially Oake and Beech, shall finde an alteration within lesse then thirty yeares, as may well strike a feare, least few yeares more, as pestilent as the former, will leaue few good trees standing in those Welds. Such a heat issueth out of the many forges, & furnaces, for the making of Iron, and out of the Glasse-kilnes, as hath deuoured many famous woods within the welds: as about *Burningfold*, *Laxwood-greene*, the *Mens*, *Kirdford*, *Petworth* Parks, *Ebernowe Wassalls*, *Rusper*, *Balcombe*, *Dalington*, Holmes dale. Thirty yeares haue consumed much wood and timber. Glasse houses. Great Woods wasted.

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ton the *Dyker*: and ſome forreſts, and other places infinite. *Tantum ani longinqua valet mutare vetuſtas.* The force of time, and mens inclination, make great changes in mighty things: but the crop of this commodious fruit of the earth, which nature it ſelfe doth ſow, being thus reaped and cut downe by the ſickle of time, hath beene in ſome plentifull places, in regard of the ſuperfluous abundance, rather held a hurtfull weede, then a profitable fruit, and therefore the waſting of it held prouidence, to the end that corne, a more profitable increaſe, might be brought in, inſtead of it, which hath made Inhabitants ſo faſt to haſten the confuſion of the one, to haue the other. But it is to be feared, that poſterities will finde want, where now they thinke is too much. *Virtutem incolumem odimus, ſublatam ſero ſæpe quærimus inuidi.* Things that we haue too common, are not regarded: but being depriued of them, they are oft times ſought for in vaine.

Woods deſtroied for cornes ſake.

140. Ironworks in Suſſex.

Bayly. It is no maruell, if Suſſex and other places you ſpeake of, be depriued of this benefit: for I haue heard, there are, or lately were in Suſſex, neere 140. hammers and furnaces for Iron, and in it and Surrey adioyning, 3. or 4. glaſſe-houſes: the hammers and furnaces ſpend, each of them in euery 24. houres, two, three or foure loades of Charke-cole, which in a yeare amounteth to an infinite quantitie, as you can better account by your Arithmetique, then I.

Waſting of woods in Suſſex, good for the common weakh.

Sur. That which you ſay, is true, but they worke not all, all the yeare: for many of them lacke water in the Summer to blow their bellowes. And to ſay truth, the conſuming of much of theſe in the Weld, is no ſuch great preiudice to the weale publike, as is the ouerthrow of wood and timber, in places where there is no great quantity: for I haue obſerued, that the clenſing of many of

of these weld grounds, hath redounded rather to the benefit, then to the hurt of the Countrey: for where woods did grow in superfluous abundance, there was lacke of pasture for Kine, and of arable land for corne, without the which, a Countrey, or countrey farme cannot stand, or be relieued, but by neighbour helpes, as the *Downes* haue their wood from the Weld. Beside, people bred amongst woods, are naturally more stubborne, and vnciuill, then in the Champion Countries.

Bayly. **What, are mens manners commonly guided by the disposition and qualitie of the places where they are bred?**

Sur. There is no necessitie in it, I take it, but by obseruation, it hath beene collected, That *Montani sunt asperi atque inculti: Molliores corpore atque moribus Pratenses: Campestres mansueti & Ciuiles: Rudes & refractarij Siluicolæ: Paludicolæ inconstantes & hebeti ingenio: Littorales duri, horrendi, immanes, latrocinijs dediti, omniumque deniq; pessimi, &c.* So that if this obseruation hold, men vary in wit, manners and disposition of body and minde, much after the nature of the place where they are brought vp. But let vs not thinke that followes alwaies, but that education and diuine grace doth shape new mindes, manners and dispositions in men, as they are trained vp in the knowledge and feare of God. But woods are commonly most desert, so are Sea coasts subiect to violent windes and vapours, and therefore these aboue other places are most condemned, and the inhabitants the more neede to seeke the meanes of reformation.

Mens manners of their place of breed.

Diuine grace shapes new mindes.

Bayly. **Truely, I thinke all the places you name, the** Mountaines, Meddowes, Woods, Marshes, **and the** Sea-coast, **bare by nature all** *rudes, refractarios & immanes*, **without the grace of God directing them. And therefore we will leaue**

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to cenſure conditions of men, in one continent, and as it were, vnder one climate, by the places of their breede. That in my conceit, were to giue ſentence againſt Gods ſecret Counſell and prouidence: As alſo to ſay, ſuch a complexion were alwaies an argument of ill condition, and ſuch of good, which neuer holdeth generally true. Let vs, I pray you, returne to our former communication, for time paſſeth, and I know, you would not be letted long.

Complexion neuer a true argument of good or euill men.

Sur. Then I ſay, where in former times, a farme ſtood in thoſe parts, wholly vpon theſe vnprofitable buſhy and woody grounds, hauing onely ſome ſmall and ragged paſtures for ſome kinde of cattell, now I ſee as I trauell, and where I haue had buſineſſe, that theſe vnprofitable grounds are conuerted to beneficiall tillage: In ſo much as the people lacke not, but can to their great benefit, yearely afford to others, both Butter, Cheeſe, and Corne, euen where was little or none at all: yet I hold a moderation neceſſary, leſt that the too much ouerthrowing of timber trees, and ſtocking vp of Woods, bring ſuch a ſcarſitie of that neceſſary commodity, as men build not for lacke of timber, but vſe *Peats*, *Turffe*, *Heath*, *Furres*, *Broome*, and ſuch like fuell for firing, where they may be gotten, yea, and Neats dung, as in ſome places of *Wiltſhire*, *Lincolneſhire*, the Iſle of *Portland*, and elſewhere, men are inforced to vſe; which cannot but enſue, if there be neither preuention for the ſubuerſion of the preſent, nor prouiſion to plant or ſpare for the time to come: who ſeeth not that the generall extirpation and ſtocking vp of coppiſe grounds in *Middleſex*, will breede want to them that ſhall ſucceede?

The benefit that Suſſex findeth by decay of Woods.

F. well of conſtraint.

Middleſex ſtocking.

Bayly. But that may be the more tolerated, becauſe it bringeth a great profit in tillage and paſture, the ground being good, bringeth forth Wheate and Oates, and other commo-

commodious graine, in ſtead of ſtubs and ſhrubs.

Sur. Stubs and ſhrubs are alſo neceſſary: but as we deſire foode, ſo we muſt preſerue the meanes to prepare it for foode: for, as corne auaileth not without Mils to grinde: ſo many other neceſſaries without firing, are of little vſe. If all were arable, which is the life of corne; then meddow and paſture, the life of cattle were dead: to couet one peculiar for all neceſſary things, is a true reſemblance of *Mydas* wiſh. Therefore it is good to foreſee, and to auoide a miſchiefe to come, by deſiring or vſing preſent commodities moderately and prouidently. For when there is a true concurrence betweene the vſe, and preſeruation, and increaſe of neceſſary commodities, without wilfull conſuming, there ſeldome followeth too much want: but if, for the ouer-greedy vſe of things preſent, there be no regard of future occaſion, it cannot be, but if the *earth*, the mother of man and other creatures, could verbally complaine, ſhe might well ſay, *ſhee were euen robbed of her fruites by her owne children:* and namely, when for one commodities ſake, another is abandoned by ſome priuate men, more expedient for the publike weale. It was ordained by the *Romans* that the *Conſuls* ſhould haue charge of the Woods, to the end there ſhould be no timber wanting, for building of houſes and Ships, as alſo other timber-workes. The ſtate of *Venis* at this day obſerueth the ſame order, appointing priuate officers to ouerſee their Woods, and ſome to haue the charge to ſee young Woods yearely planted. Woods were in *Virgils* time, in high eſteeme. *Eclog.* 4. *Si cauimus ſiluas, ſiluæ ſunt conſule dignæ.* And much it is to be lamented, that ſo common and generall deuaſtation of this ſpeciall commoditie, is no way ſought to be

The vſe of firing neceſſary.

A commodity preſent ſhould not depriue future times of a better.

preuen-

preuented, which threatneth a grieuous weakening to this common wealth.

Bayly. **Deuastation, that is, when farmes, or townеships are by priuate men dispeopled, and the houses puld downe, and the land conuerted to some more priuate vse: as onely to sheepe pastures, or grasing for cattell onely, you meane, Corne the more commodious, is abandoned for these lesse profitable.**

Depolution dangerous.

Sur. Both these are necessary in their places, no man can denie it. But when the *Oxe* and *Sheepe* shall feede where good houses stood, where honest men and good subiects dwelled, where hospitality was kept, the poore relieued, the King better serued, and the common wealth more steeded: who will not say it is the bane of a common wealth, an apparant badge of *Atheisme*, and an argument of apish ambition, or wooluish emulation? but because there is a statute carefully prouiding reformation, I will be sparing to accuse, though a man might point at the places and persons, depopulators of houses, and spoilers of woods: Is not this next, *Ferne-hill*, a close of the Lords demeisnes?

Bayly. **You remember well, it is so.**

Sur. If my memorie faile not, there is a deepe bottome in this field, and a little rill of water rising out of the hill, runs thorow it.

Bayly. **If you looke but ouer this hill, you shall see it.**

Sur. I see it, and I maruell that there hath beene no respect had of this place: for it is a desert bottome, full of bushes and shrubs, yeelding now little or no benefit.

Bayly. **What can you aduise to be done with it, to make it more profitable?**

Fish-ponds.

Sur. I could wish some cost to be bestowed here, in mak ing

making a *fish-pond*, nay it would make at the least two or three, one below the other.

Bayly. Alas, that were to little purpose, as I take it, considering the charge of making the ponds, the clearing of the water-course, the clensing of the bodies, the making of the dammes or heads of the ponds, will be more chargeable, then the fish will be profitable.

Sur. As you conceiue it. The *Romanes*, especially the Nobilitie, were wont to make faire fish ponds about their houses, which yeelded them both pleasure and profit; and therefore spared they not for cost: *Hortensius*, *Hircius*, *Lucullus*, and others, are famous for this kinde of husbandry, as testifieth *Mar. Varro*: And therefore where reason or experience teach not, there the will followes to be vntoward in all actions: and seldome men practise doubtfull things, howsoeuer probable, for experience sake. But in this there is no doubt at all, the benefit is certain by approued experience, and it paieth the charge to the founder in short time, and afterward the benefit comes without much labour or cost, besides the pleasure. He that hath trauelled, and is acquainted with *Sussex* and *Surrey*, and hath obserued this commoditie, may finde that Gentlemen, and others able in those parts, will not suffer such a conuenient place as this for the purpose, to lie vnprepared for this vse: and the sweetnesse of the gaine they yearely make of it, hath bred such an increase of ponds for fish, as I thinke, these two shires haue more of them, then any twenty other shires in England.

Fish-ponds many in Sussex, and Surry.

Bayly. That were very much, but I take it, the making of them is very chargeable, for the clensing and digging, the ridding of the stuffe, and making the head, I thinke will consume a greater charge then many yeeres will pay, or redeeme againe,

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being mixed with a more fragile and gentle marle, which alſo aboundeth thereabout, they finde it very helpefull to their common fields. Many fetch Moore-earth or Murgion, from the riuer betweene *Colebrooke* and *Vxbridge*, and carry it to their barren grounds in *Buckinghamſhire*, *Hartfordſhire*, and *Middleſex*, eight or ten miles off. And the grounds whereupon this kinde of foyle is employed, will indure tilth aboue a dozen yeers after, without further ſupply, if it be throughly beſtowed. In *Deuonſhire*, about *Aſhburton*, *Buckfaſtleigh*, & thoſe parts, are certaine maine rockes of a moſt hard blacke flint, which the countrey huſbandmen beate out with extreame toyle, and with intollerable difficultie beate it as ſmall as a mans fiſt, and caſt it on their land, which doth yeerely caſt a kinde of ſcale, which fats the earth ſo as it needes no other helpe in a douzen yeares. In part of *Hampſhire*, they haue another kinde of earth for their dry and ſandy grounds, eſpecially betweene *Fordingbridge* and *Ringwood*, and that is, the ſhub of the Riuer of *Auon*, which they call *Mawme*, which they digge in the ſhallow parts of the riuer: and the pits where they digge it, will in few yeares fill againe: and this *Mawme* is very beneficiall for their hot and ſandy grounds, arable and paſture. And about *Chriſtchurch twineam*, and vp the riuer of *Stowre*, they cut and dig their low and beſt meadowes, to helpe their vpland hot and heathie grounds. And now of late the Farmers neere *London*, haue found a benefit by bringing the Scauengers ſtreet-ſoile, which being mixed as it is with the ſtone cole-duſt, is very helpfull to their clay ground: for the cole-duſt, being hot and drie by nature, qualifieth the ſtiffeneſſe and cold of the ſoyle thereabouts. The ſoyle of the ſtables of *London*, eſpecially

Moore earth, or Murgion.

Mawme.

Meedowes cut and carried into drygrounds.

Scauengers.

especially neere the *Thames* side, is carried Westward by water, to *Chelsey*, *Fulham*, *Batterſey*, *Putney*, & those parts, for their sandie grounds. London soile.

Bayly. Whether doe you account the better, the stall or stable dung?

Sur. The stable dung is best for cold ground, and the stall dung for hot grounds, if they be both rightly applied. And of all other things, the Ashes that proceede of the great rootes of stocked ground, is fittest and most helpe-ful to a cold clay. So is the cinders that come from the Iron, where hammers or forges are, being made small and laid thin vpon the cold moist land. Difference of stable and stall dung.

Bayly. I was once in Somerset-shire, about a place neere Tanton, called Tandeane, I did like their land and their husbandry well.

Sur. You speake not of the land of *Cabul*, the barren and durtie cities which *Salomon* gaue to *Hiram*. 1 *King.* 9. 13. but of the *Paradice of England*: and indeede their husbandrie is good if it be not decayed, since my being in those parts: as indeed (to be lamented) men in all places giue themselues to too much ease and pleasure, to vaine expence, and idle exercises, and leaue the true delight, which indeed should be in the true and due prosecution of their callings: as the artificer to his trade, the husbandman to the plowe, the Gentleman, not to what he list, but to what befits a Gentleman, that is, if he be called to place in the common weale, to respect the execution of Iustice: if he be an inferiour, he may be his own Bayly, & see the managing & manuring of his owne reuenews, & not to leaue it to the discretion & diligence of lither swaines, that couet only to get and eat. The eye of the prouident Master may be worth two working seruants. But where the Master standeth vpon termes of his Tandeane, the Paradice of England.

qualitie

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qualitie and condition, and will refuſe to put (though not his hand) his eye towards the plow, he may (if it be not the greater: (for I ſpeake of the meaner) gentlelize it a while: but he ſhall find it farre better, and more ſweet in the end, to giue his fellow worke-men a congie early in the morning, and affably to call them, and kindly to incite them to their buſineſſe, though hee foyle not his fingers in the labour. Thus haue I ſeene men of good qualitie behaue them towards their people, and in ſurueying of their hirelings. But indeede it is become now contemptible and reproachfull, for a meane Maſter to looke to his labourers, and that is the reaſon, that many well left, leaue it againe before the time, through prodigalitie and improuidence, and meane men induſtrious ſteppe in: and where the former diſdained to looke to his charge, this doth both looke and labour, and he it is that becomes able to buy that, which the idle and wanton are forced to ſell. Now I ſay, if this ſweet countrey of *Tandeane*, and the Weſterne part of *Somerſet-ſhire* be not degenerated, ſurely, as their land is fruitfull by nature, ſo doe they their beſt by art and induſtrie. And that makes poore men to liue as well by a matter of 20. pounds *per annum*, as he that hath an hundred pounds by yeare in ſome other parts.

Good-husbandry in the Weſt.

Bayly. I pray you Sir, what doe they more, then other men, vpon their grounds?

The manner of husbandry in the Weſt.

Surv. They take extraordinarie paines, in ſoyling, plowing, and dreſſing their lands. After the plowe, there goeth ſome three or foure with mattocks to break the clods, and to draw vp the earth out of the furrowes, that the lands may lie round, that the water annoy not the ſeede: and to that end they moſt carefully cut out

gutters and trenches in all places, where the water is likelyeſt to annoy. And for the better inriching of their plowing grounds, they cut vp, caſt, and carry in, the vnplowed headlands, and places of no vſe. Their hearts, hands, eyes, and all their powers concurre in one, to force the earth to yeeld her vtmoſt fruit, and the earth againe in recompence of their loue to her, vouchſafeth them an incredible increaſe.

Bayly. What I pray you in quantity vpon an acre, more then the ordinarie rate of wheat, which is the principall graine in other Countries?

Sur. They haue ſometimes, and in ſome places foure, fiue, ſixe, eight, yea, tenne quarters in an ordinary Acre. Great yeelding of Wheate.

Bayly. I would thinke it impoſſible.

Sur. The earth, I ſay, is good vnto them, and their coſt and paine great to it, and there followeth a bleſſing, though theſe great proportions alwaies hold not. The land about *Ilcheſter*, *Long-Sutton*, *Somerton*, *Andrey*, *Middleſey*, *Weſton*, *Milton*, *Faulconbridge*, and many other parts, are alſo rich, and there are many good huſbands.

Bayly. Do they not helpe their Land much by the fold?

Sur. Not much in thoſe parts: but in *Dorſet*, *Wiltſhire*, *Hamp-ſhire*, *Barke-ſhire*, and other places champion, the Farmers doe much inrich their Land indeede with the ſheep-fold. A moſt eaſie, and a moſt profitable courſe: and who ſo neglecteth it, hauing means, may be condemned for an ill huſband: nay, I know it is good huſbandry, to driue a flock of ſheep ouer a field of wheat, rye, or barley, newly ſowen, eſpecially if the ground be light and dry: for the trampling of the ſheepe, and their treading, doth ſettle the earth about the corne, keeping it the more moiſt and warme, and cauſeth it to ſtand the faſter, that the winde ſhake it not ſo eaſily, as it The ſheepfold. Sheeps treading good for corne.

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it will doe when the roote lyeth too hollow vnder the earth.

Bayly. I cannot reproue you. But I know grounds of a ſtrange nature in mine opinion: for if they be once plowed, they will hardly graze againe in 6. or 7. yeares: yet haue I ſéene as rich wheat and barley on it, as may well approue the ground to be very fruitfull. And if a ſtranger that knoweth not the ground, looke vpon it after a crop, he will ſay it is very barren.

Grounds long in grazing.

Sur. Such ground I know in many places, as in the Northweſt part of *Eſſex*, in ſome places in *Cambridgeſhire*, *Harfordſhire*, *Buckinghamſhire*, *Wiltſhire*. But commonly, where you finde this kinde of earth, it is a red or browne ſoyle, mixed with a kinde of white, and is a mould betweene hot and colde, ſo brittle in the vpper part, and ſo fickle, as it hath no firme ſetling for the graſſe to take rooting ſo ſoone, and in ſuch ſort as in other firmer grounds: and for this kinde of ground, good and well rotted ſtable dung is fitteſt: *Varro, de ſignis idonia terræ ad colendum*; ſaith, *Si ſit terra alba, quæ cum fodiatur facile fretur, bona*: white earth which when it is digged vp, or plowed, if it may be eaſily made ſmall, it is good for tillage; and of this very nature is the earth which you ſpeake of, that is good for corne, not for graſſe. Let vs, I pray thee, walke into the next fielde, the Lords demeiſnes, called as I take it, *Highfield*.

The cauſe why grounds will not graze in long time.

Bayly. It is indéede: a large ground you ſée it is, and good paſture, but ſo ouergone with Thiſtles, as we can by no meanes deſtroy them.

Sur. This kinde of Thiſtle approueth the goodneſſe of the ground, they ſeldome or neuer grow in a barren ſoyle.

Bayly. Yes, I haue ſéene Thiſtles in meane ground.

Sur.

Sur. It may be ſo, a kinde of ſmall hungry dwarffie thiſtle, but this kinde which you ſee large, high and fatty, you ſhall neuer ſee in aboundance in a weake ſoyle.

Beyly. But I wiſh they were fewer in number: though they may be a note of good ground, I finde them nothing profitable, vnleſſe it be to ſhrowd the vnder graſſe in the parching Summer, from the heat of the ſcorching Sunne, for they are good for no other vſe that I can finde.

Sur. That is ſome benefit: but the beſt way to kill them, is to take them vp often by the rootes, euer as they begin to ſpring, and either preſently to take them vp, and carry them out of the fields, or elſe to beat them in ſmall peeces: for their nature is to reuiue againe like an Adder, that is not thorowly battered in the head, and cut in peeces. Such is the nature of this kinde of Thiſtle, that though it be plucked vp by the root, if it lie ſtill vpon the ground, as ſoone as it receiueth the euaporation of the earth, his ſlimy nature gathers a kinde of new life, and begins to faſten and cleaue it ſelfe to the earth againe, and to ſhoote forth ſmall ſtrings, which entring into the earth againe, will bring forth many for one.

Thiſtles how to kil them.

Thiſtles, the nature.

Bayly. That is, if they be cut when they are ſeeded, the ſeedes fall and increaſe.

Sur. Nay, if you cut them in their infancie: for if they be not cut often, and that as ſoone as they ſhew themſelues a foot high or leſſe, the root will recouer, and budde againe: the root is as the liuer in the body, from whence proceedeth all the blood that feedeth the veines, and quickneth the body, which by obſtruction and ſtopping of the paſſages, putrifieth. So the roots of theſe vegitables, when the branches are againe and againe cut off as they ſpring, the root is left ſo ouercharged with

The rootes of vegitable things, like the Liuer in the body.

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Rushes. Flagges. Heath.

with moisture, that it will in the end yeeld, and giue ouer bearing, and die: as will also Rushes, Flagges, and such like, which though they be strong by nature, yet by this meanes they will be destroyed soonest.

Bayly. **But what say you to this heathy ground? I thinke of all other grounds, that is the most vnprofitable.**

Sur. Indeede, naturally all heathy grounds are barren, and that comes by the saltnesse of the soyle.

Bayly. **Doth all barrennesse proceede of saltnesse?**

Saltnesse, hot and dry.

Sur. As leannesse in a mans body, is principally procured by saltnesse of the humour: So is barrennesse in grounds; for salt is hot, and heat dryeth, and too much drowth breedes barrennesse and leannesse. And according to the measure and proportion of the degree of hot and cold, moisture and drinesse, are all grounds fruitfull and barren; as the body by these causes is fat or leane, hot or cold. Therefore, though heathy grounds be commonly in the highest degree of barrennesse, yet are some more in the meane then some. Some are more tractable and more eafily reduced to some vse then others, and therefore hath sundry names. Heath is the generall common name, whereof there is one kind, called Hather, the other Ling. And of the particulars, there are also sundry kinds, distinguished by their seuerall growth, leaues, stalkes, and flowers: as not farre from *Graues-end*, there is a kind of Hather that beareth a white flowre, and is not so common as the rest, and the ground is not so exceeding barren as some other, but by manurance would be brought to profitable tillage. Some, and the most, doth beare a purple or reddish flowre, as in the *Forest of Windsore*, and in *Suffolke*, and sundry other places; and this kind is most common, and groweth commonly

Hather. Ling.

Heath diuers kindes.

in

in the worſt ground. In the North parts, vpon the Mountaines and fells, there is a kind of Ling, that beares a berry: euery of theſe hath his peculiar earth wherein it delighteth: Some in ſandie, and hot grounds, as betweene *Wilford Bridge*, and *Snape Bridge* in *Suffolke*. And that is bettered eſpecially, and the Heath killed beſt and ſooneſt, by good fat marle. Some in grauelly and cold earth, and that is hard to be cured, but with good ſtable dung. But there is a kinde of Heathy ground, that ſeemeth altogether vnprofitable for tillage, becauſe that the grauell and clay together retaineth a kinde of blacke water, which ſo drencheth the earth, and cauſeth ſo much cold, as no huſbandrie can relieue it, yet if there be chalk-hils neere this kind of earth, there may be ſome good done vpon it: for that only or lime will comfort the earth, drie vp the ſuperfluous water, and kill the Heath. But the ſandy Heathy ground is contrarily amended, as I told you, with fatte marle, and that is commonly found neere the Heathie grounds, if men were prouident and forward to ſeeke for it. Euery of the heathy grounds are beſt knowne of what nature they be of, whether hot or cold, by the growing of it: as if it growe lowe and ſtubbed, it argues the ground to be grauelly, cold, and moſt barren; where it groweth ranke and high, and the ſtalke great, the ground is more warme & more apt for tilth, yet it requireth ſome kinde of compoſt, elſe will it not beare paſt a crop or two, contenting the owner: but if men will not indeauour to ſearch for the hidden bleſſings of God, which he hath laid vp in ſtore in the bowels of the earth, for their vſe that will be painfull, they may make a kinde of idle and vaine ſhew of good husbandry, when indeede they onely plow, and ſow, and

Heathie ground vnprofitable.

How to find the nature of the heathie grounds.

The earth commanded to denie vs fruit without labour.

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charge the earth, to bring ſoorth fruit of it owne accord, when wee knowe it was curſed for our ſakes, and commaunded to denie vs increaſe, without labour, ſweate, and charge, which alſo are little auaileable, if we ſerue not him in feare and reuerence, who is the Author of true labours, and of the bleſſings promiſed thereunto.

All kinde of grounds haue their helpe.

Bayly. I thinke there is no diſeaſe in the body of man, but nature hath giuen vertue to ſome other creatures, as to herbes, plants, and other things, to be medecines for the ſame: ſo is there no kind of ground ſo meane, barren, and defective, but God hath prouided ſome meane to better it, if man, to whom he hath giuen all, will ſearch for it, and vſe the ſame to that end it was prouided for. And yet this peece of ground adioyning, hath had much labour and great coſt beſtowed on it, and the ground little or nothing the more reformed: This Furſy cloſe.

Furſe.

Whynnes.

Sur. Indeede it is a ſtrong weede, called in the North Countrie, *Whynnes*. It ſeldome giues place where it once footeth, I will goe ſee the forme of the furſes. Theſe furſes are not worth the foſtering, they be dwarffe furſes, & wil neuer grow great, nor high, and of little vſe.

Dwarffe Furſes.

Bayly. I ſpeake not to learne how to preſerue them, but how to deſtroy them.

Sur. But there is a kinde of Furſe worth the preſeruation, if it grow in a Countrey, barren of wood, And of that kinde there growes much in the Weſt part of *Deuonſhire*, and in ſome parts of *Cornewall*, where they call them *French Furſes*, they grow very high, and the ſtalke great, whereof the people make faggots, and vent them in neighbour Townes, eſpecially in *Exeter*, and make great profit of them. And this kinde of Furſe groweth alſo vpon the Sea coaſt of *Suffolke*: But that the people

French Furſes.

people make not that vſe of them, as in *Deuonſhire* and *Cornewall*; for they ſuffer their Sheepe and Cattell to browſe and crop them when they be young, and ſo they growe too ſcrubbed and lowe tufts, ſeldome to that perfection that they might: yet in that part of *Suffolke* they make another vſe of them, they plant them in hedges, and the quick-ſet of them make a ſtrong Fence in drie and hot grounds where other quick-ſet will not grow. Quick-ſet hedges of Furze.

Bayly. Very filly quickſet hedges, I would think, can be made of ſimple furſes.

Sur. Such as after two or three yeares, being cut cloſe to the earth, they will then branch and become ſo thicke, as no Hedge if the Ditch be well made, and quick well ſet, can be more defenſible, being ſet in two or three ranckes.

Bayly. I marueil they learne it not in Cornewall, where for want of quick ſet, and haying or hedging ſtuffe, eſpecially in the Weſt partes, they are forced to make their Fences with turffes and ſtones. Fences of Turffes and Stones.

Sur. They doe ſo indeede, vpon the Moores there: but ſheepe will eaſily ſcale their walles. But the Furſe hedges which I haue ſeene in that part of *Suffolke*, no cattle can peirce them.

Bayly. Then are theſe furſes good for nothing?

Sur. To brew withall and to bake, and to ſtoppe a little gappe in a hedge.

Bayly. Then may we hereabouts affoord the ſtanding of them: for we haue no great plenty of theſe neceſſaries in theſe parts.

Sur. I ſee no ſtore of Hay boot, vnleſſe it be in the Lords wood, where I thinke it be not lawfull for men at their pleaſure to take.

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Bayly. What meane you by hay-boote? I haue read it often in Leases, and I promise you, I did neuer take it to be that which men commonly vse in hay time, as to make their forkes and toles, and lay in some kinde of lofts or hay talets, as they call them in the West, that are not bowded: and is not that the meaning?

Hay boot, what it is. Hedge boot and hay-boot the difference.

Sur. I take it not: it is for hedging stuffe, namely, to make a dead hedge or raile, to keepe cattle from corne or grasse to be mowne.

Bayly. What difference then is there betweene hay-boote and hedge-boote.

Sur. Some there is: for a hedge implieth quick-set and trees: but a hay a dead fence, that may be made one yeere, and pulled downe another, as it is common vpon the downes in many countries where men sow their corne, in vndefenced grounds, there they make a dead hay next some common way to keepe the cattle from the corne.

Bayly. If that be the difference, we haue some vse of it also in this Country, but we want it much, as you see, by the lying of our hedges.

Sur. I see the hedges lie very vnhusbandly: a true note of few good husbands: for he that will suffer his hedges to lie open, and his houses vncouered, neuer put a good husbands hand to his head. Quick-set hedges are most commendable: for they increase and yeeld profite and supply, to repaire decayed places: but dead hedges or hayes deuour and spend, and yet are seldome secure.

Dead hedges deuoure.

Bayly. I pray, what is the best stuffe to make quick-set of?

Sur. The plants of white thorne, mixed here and there with Oke and Ash.

Bayly. But the plants are not easily gotten in all places.

Sur. Then the berries of the white or haw-thorne,

Acornes,

Acornes, Aſh-keyes mixed together, and theſe wrought or wound vp in a rope of ſtraw will ſerue, but that they will be ſomewhat longer in growing. How to make a quickſet-hedge

Bayly. How muſt the rope thus ſtuffed with the former berries be laid?

Sur. Make a Trench at the top or in the edge of the Ditch, and lay into it ſome fat ſoile, and then lay the rope all along the Ditch, and couer it with good ſoyle alſo, then couer it with the earth, and euer as any weedes or graſſe begins to grow, pull it off, and keepe it as cleane as may be from all hinderances; and when the ſeeds begin to come, keepe cattle from bruiſing them, and after ſome two or three yeares, cut the young ſpring by the earth, and ſo will they branch and grow thick; and if occaſion ſerue, cut them ſo againe, alwaies preſeruing the Oake and Aſh to become trees.

Bayly. What is the beſt time to lay the Berries in this manner?

Sur. In September or October, if the Berries be fully ripe. Time of quickſetting.

Bayly. What if a man were deſirous to make a little grouet, where now no kinde of ſuch plants doe growe?

Sur. Till the place with the plough, in manner of fallowing, and croſſe plough it, and beat the clods ſmall as may be: then ſow or ſet Acornes, Aſh-keyes, Hawes, Hedgberries, Nuts, and what elſe you deſire, in a ſeaſonable time, and then harrow it, and for ſome two or three yeares, it were good to keepe it as free from graſſe or weedes as could be, vntill the ſeedes were aboue the graſſe, and when they be ſomewhat ſtronger, the ſuperfluous weedes will be the more eaſily culd out: I know a Wood ſowne of Acornes about thrity How to make a Grouet.

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two yeares since, the Oakes whereof are now as high as an ordinary steeple. The ground in this case must be considered; for some grounds are more naturally inclined to foster such things, and some are not. Some kinde of Wood also loueth one kinde of soyle more then another, as the Iuniper delighteth in a chalkie soyle, as appeareth in *Kent* and *Surrey*: So doth also the Yew tree, which brooketh a light and barren soyle: The Walnut tree likewise in meane ground being hot, and the Elme a sandy earth, the Aspe, the Popple, the Alder, the Able trees moyst ground, the Oake most kindes of ground.

Seuerall trees & the grounds the like.

Bayly. I haue a peece of land, ouercome with a kinde of weede that is full of pricks, and groweth a foot or two foot high, whereof no cattell will feede, and I know no way to destroy it.

Sur. By your description it should be Gorse, or prickle Broome, a weed that groweth commonly vpon grounds ouer-tilled, and worne out of heart, and it commonly groweth not but in cold clay ground, and is hardly killed but with Lime or Chalke, and so ploughed, and then sow it two or three crops together. And if you then let it lie, it will beare you the next yeare a croppe of course Hay, and will then yearely increase in goodnesse for pasture or Hay, and so much the sweeter and thicker, if you keepe it low eaten; for this weede groweth in a clacy ground.

Gorse.

Bayly. I thinke you mistake the weede you meane, I take it, Furse, or Whins, which some call also Gorse.

Broome.

Sur. I thinke I mistake it not, but such as call Furse, Gorse, are as much mistaken, as they that call Brakes, Broome.

Bayly.

Bayly. Because you speake of Broome, I know a Lordship of my Landlords, which no doubt you shall survey too, it is much pestered with Broome, and there hath bin much charge and paines, and Art too, bestowed in destroying of them, but all in vaine: they haue beene cut, stocked vp by the rootes, as was thought, burnt, ploughed, and yet they grow againe.

Sur. It is the nature of Furse, Broome, and Brakes, to keepe their standing, and hardly will yeelde the possession once gotten in a field: for commonly they like the soyle well, and the soyle them; and where there is a mutuall congruity, there is seldome a voluntary separation. And therefore, as long as there is not a disturbance of their possession with a contrary earth, they will keepe where they are: for as the Fish loueth and liueth in the water, the Camelion by the ayre, the Salamander in the fire, and either of them being taken from his Element, will die: So these kindes of weedes (for so they may be called) as long as they possesse the soyle they affect, doe what you can, they will liue. And therefore as the soyle is commonly barren, hot and dry wherein they liue, make this ground fat and fruitfull, and they will die. And therefore the greatest enemy that may be set to encounter them, is good and rich Marle, and thereupon, the plough some few yeares together, and you shall see, they will shrinke away, and hide their heads.

Furse, Broome, Brakes, their, nature.

How to kill Furse, Broome, and Brakes.

Bayly. But commonly this kinde of fat Marle is not to be gotten in all places; nay, seldome where these barren grounds are.

Sur. It is true, they commonly come not, and say to the lazie husbandman, Here I am. It is the nature of all things to couet rest, and where dumbe and dead things lurke, is not easily found without diligent search. Gold,

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All hidden benefits must be sought for.

Siluer, Brasse, Tynne, Leade, Cole, Slate, and great Milstolnes, shew not themselues voluntarily, but are found by scrutation and discretion. And I thinke many treasurable blessings lie hid from sloathfull men, for want of search, and worthily. So doth this notable commodity of Marle, from the eyes of the Husbandman, vntill he diue into the bowels of the earth to seeke: and admit he misse it here, he may finde it there: if he faile to day, he may get it to morrow. But Thrift hath no greater enemies then Ignorance and Idlenesse; the one perswades it cannot be, the other it will not be. And betweene these sluggards, these Weedes, Bryers, Thornes, Thistles, Furse, Broome, Gorse, and a thousand markes of the first curse annoy vs, which by the blessing of God, industry and charge might easily and shortly be remooued out of our sights. And yet if the view of them daily could make vs, or mooue vs to call our first disobedience to consideration and repentance, I would wish Thornes to grow where Corne stands. But sith no spectacle of former threats, no vse of present blessings, will mooue the hard hearted, either to seeke by labour or charge to reforme these euils, easie to be reformed: Let vs leaue to discourse, and hee that hath vnderstanding and will, let him vse them here in this toylesome life, and not be idle: for, if we doe what wee can, these Cankers will follow vs, these inconueniences will annoy vs, and will procure euery day new labour, and new cost, and new diligence, and new Art, to make vs know that *Omnia proposuit Labori Deus*: Man of necessitie must labour. And when he hath sweat and toyled, and bestowed all his skill and vtmost charge, if God adde not a blessing, all is lost. *Paul* may plant, *Apollo* may

Ignorance and Idlenesse enemies to thrift.

None should be idle.

may water, but if God giue not the encreaſe, the labour is vaine. *God maketh a fruitfull land barren, for the wickedneſſe of the people that dwell therein*, there is a curſe. Pſal.107.34.
Againe, *A handfull of Corne ſowne vpon the toppes of high Mountaines, ſhall ſo proſper, as the fruits and eares thereof ſhall ſhake like the high Cedars in Libanon.* Here is a bleſſing: It is a gracious thing therefore to feare and reuerence him, whoſe bleſſing and curſing ſo much preuaile, and to pray to him for ſucceſſe in our endeuours, and to glorifie him for his bleſſings. Pſal.72.16.

Bayly. You haue diuinely concluded: and I wiſh not onely the words of your mouth, but the ſubſtance of your meaning were fully ingrauen, and truely ſeated in the hearts of all that labour. So, no doubt, but the Lord would be alwaies ready to bleſſe their endeuours: Although indeede Iob ſaith, The earth is giuen vnto the hands of the wicked, and they waxe old and wealthy. And Dauid in diuers and ſundry places declareth that the wicked proſper moſt in the world. And I tell you, it is a daunting vnto weake men, that thinke they ſerue God truely, and many times it goeth worſe with them, then with ſuch as ſeeme ſeldome or neuer to call vpon his name. Iob 9.24.&21.7

Sur. But when *Dauid* conſidered the end of theſe men, he could ſay, that *the Lord had ſet them in ſlippery places.* And that *they that are bleſſed of God, ſhall inherit the earth.* And *whatſoeuer they doe, it ſhall proſper.* Therefore, I ſay, that he that commendeth his labour vnto the Lord, and the ſucceſſe of all his endeuours vnto his diuine prouidence, who doth and can alwaies bring all things to paſſe for our beſt good, whether it be the full fruits of the earth for our reliefe and comfort, or ſcarcity and want, for our triall, he is ſure to ſtand faſt, and *ſhall be as a tree planted by the riuers ſide, whoſe leafe ſhall* Pſal 37.22. Pſal.1.3.

neuer

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neuer wither: And *in the time of dearth, he ſhall haue enough to ſuſtaine his neceſſity.*

Bayly. It is a good and holy reſolution, on which all men ought to reſt themſelues with a faithfull and patient expectation. And therefore he that hath fat and fruitfull ground, let him be laborious and thankefull, and he that hath leane and barren, let him be painefull and patient.

Sur. You ſay well, and ſo I leaue you: And for other matters, and better ſatisfaction in theſe things thus ſuperficially diſcourſed, I referre you to the aduice of of the better able to reſolue you. I will returne to my former taske.

Bayly. I thanke you for your patience and paines, and I commend you to your labours: And as your occaſions ſhall challenge my further poore ſeruice, I ſhall be ready.

The end of the fifth Booke.

THE

THE SVRVEYORS DIALOGVE, CONTAI-ning a briefe conference betweene a PVRCHACER of Land and a SVRVEYOR: *Wherein are ſome points neceſſarie to be* conſidered, of ſuch as are able and wil-ling to Purchaſe Land in Fee-ſimple, or by Leaſe.

THE SIXTH BOOKE.

PVRCHACER.

SIr, as I take it, you did Suruey a Manno: wherein I dwell, called the Manno: of Beauland.

Sur. I did Suruey a Mannor of that name indeede.

Purch. It may be you haue for:gotten me, yet I was one of your Jury of Suruey there. And I did accompany you in your perambulation of the Manner. And I remember, the Baply, among many other queſtions, demanded you one, wherein I would haue beene glad to haue had your opi-on, but that you had no fit oppo:tunitie at that time to giue ſuch ſatisfaction as I did wiſh.

Sur. What I pray you was the queſtion?

Purch.

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A queſtion touching Free-hold and Leaſe to Purchace, when a man hath lit. tle money.

Purch. Whether it were better for a man, that had money in his purſe, a thouſand Markes or a thouſand pounds, and would lay it out vpon land, to purchace a Fée-ſimple, or to buy a Leaſe.

Sur. I can hardly admit leaſure to anſwer you, by reaſon of other occaſions, but in regard of former acquaintance to doe you a pleaſure, I will borrow ſo much time, as may afford conſideration to anſwer this queſtion. So you can be ſatisfied with ſome briefe reaſons, although I know that ſuch are the different opinions of men in this point, as that which wil fully ſatisfie one, wil draw ſome others the further into doubt, as we ſee in diuers other like caſes, *Multa capita, multæ ſententiæ.*

Good to be aduiſed as well in ſmall as great Purchaces.

Purch. I confeſſe my Iudgement is meane in this point, becauſe I haue not had hitherto any practiſe in the purchace of land. And I muſt alſo confeſſe that I am not prouided for that buſineſſe, as ſome great Makers: who can vndergoe matters of many thouſands, yet I thinke it in my diſcretion, as fit to be well aduiſed in the ſmalleſt, as in matters of greateſt moment: for a little well imployd, may proue ſo farre more beneficiall then a greater portion, by how much the ſame is laid out with more diſcretion, and better Iudgement. And though to tell you truely, my ſtocke will not exceede a thouſand Marks, yet would I gladly beſtow it vpon ſuch a thing as I might liue thereby, and my children after me.

Sur. Then I perceiue you would deale with ſome matter of perpetuitie.

Some mens vaine opinions of Free-holds.

Purch. I meane ſome Fée-ſimple. For, you know, it is a good matter to be a Free-holder. It is a quietneſſe to a mans minde, to dwell vpon his owne: and to know his Heire certaine. And indéede, I ſee that men are beſt reputed of, that are ſeized of matter of inheritance: Leaſes are but of baſe account. For they haue oftentimes their liuings taken ouer their heads. So hath the Free-holder of inheritance neuer.

And

And many other faire preferments, are laid vpon a man that holdeth to him and his Heires, that neuer are bestowed vpon men of inferiour tenures and termes.

Sur. Are you a Scholler.

Purch. **No truely.**

Sur. Then Nature hath taught you the Art of Ambition. And I feare you haue fet too faire a couler vpon so meane a proportion, as is betweene your portion of money you haue to bestow, and the exceeding contentments which you expect to grow by the land you purpose to purchace with the same. Nature teacheth Ambition.

Purch. **Is euery man, that desires to Purchace, ambitious?**

Sur. Not as he is a Purchacer. But the humor of his aspiring, being discouered, discouereth his ambition to be the motiue to the Purchace. Will, and Ableneſſe to Purchace, are in themselues so farre from Ambition, as it is a blessed benefit giuen of God to man: and a great cause of reioycing, is it to the heart of the most religious man: When from a low estate and small portion, God doth giue meanes to raise himselfe, by lawfull Purchace. But if all his aime therein be a vainglorious thirst: I cannot giue it any other fitter title then Ambition, which is a vice. And me thinkes, I smell it in your selfe by all your former arguments of the happinesse of a Free-holder. It is a good thing you say (and so doe I) to be a Free-holder. But you must thinke he is not so free but he is subiect to many seruices, whereunto some inferiour Tenures are not. As when you are a Free-holder experience will teach you. Also it is (as you say) a good thing to dwell vpon a mans owne: Free-holders onely dwell not on their owne, he that hath a Lease but for a yeare, dwels vpon his own for a time. As for your Heire certaine, A blessing to be able to Purchace.

Ambition what?

Seeming comforts may proue certaine crosses.

certaine, and apparant; no doubt it is a comfort, so it be a comfort: for comforts proue in those casuall and changeable inclinations somtimes crosses: tender Heires, are like young twigs, they will bend and be wreathed at the will of the parent: but growne strong, they proue often strong distractions to best minded, and welthiest parents, especially when they haue learned to say: *My Father cannot put away his Land from me*: then he begins to feele his fathers health to be his sicknesse, his fathers long life, his lingring death; I neede not tell you what succeedes, if you see it not, the mist of partiall obseruation dazils your eyes: yet would I haue you to know this, that I hold it great happinesse for a man of that estate to haue an heire, but greater, and the greatest to haue a vertuous, a frugall and thrifty Heire. Touching the *Reputation* which you pretend to gaine by the title of a *Free-holder of inheritance*, that is seene to be won and lost, as is or shall be the report of your good or ill conuersation among your neighbours: which often poore men get, and rich men loose. The clearing of the feare of hauing your liuing to be taken ouer your head, is some reason indeede: but many times the Heire to auoid the danger, sels it himselfe, sometimes before it come to his hand. For the preferments, commonly laid, or expected to be laid vpon a man of that estate: howsoeuer ambitious men may thinke it glorious: men wise enough, of a temperate and moderate spirit, rather imbrace their owne freedome, and thinke it farre more precious then the fairest imposed or assured preferments to office, commonly accompanied with care and controlement.

Fathers long life, some bons lingring death.

True freedome better then office.

Pur. I perceiue you fauour not estates of inheritance, the best and most absolutely reputed tenure that any man can be endowed with.

Sur.

Sur. You much mistake me, and the matter: for I ground not my obiections vpon any vnworthinesse of that most worthy tenure: but vpon your ambitious assuming reputation, securitie, office, and vainglorious preferments, by reason of so small a mite of meanes, as your stocke (being but one thousand Markes) is able to Purchace.

Purch. It will Purchace (as I take it) about forty pounds a yeere, with my thousand Markes.

Sur. Thereabouts at 16. yeares Purchace. A weake reuenue to support so waighty contentments, as you haue propounded to your selfe.

Purch. I must cut my coate according to my cloth; spend no more then will arise of the Farme.

Sur. But your thousand Markes being gone, where is then the meane to stocke your Farme: for a Farme without stocke, is like a Peece without Powder, or a Steeple without Bels. A Farme without stock: what like?

Purch. Truely I confesse it, but if I should reserue any of that portion for the stocke, it would Purchace farre lesse. And therefore I conceiue it better to straine my selfe some other way to stocke it; though I giue interest for a while, or let it out for some few yeares, to enable me to stock it my selfe afterwards.

Sur. So shall you soone indeede make tryall of your aduenture, either to arriue safe with little aduantage, or to suffer vtter shipwrak, to loose both your selfe and your Ship. For the first, *Interest*, the mother of misery, the longer shee goeth with her birth, the greater monster shee breedes, that immediately deuoures him that begat it, worse then the Viper that kils the mother. Of two euils, the least is, to let it. If then thou be accompanied with a charge, thou and thy charge must be maintained. If that Intereſt the mother of miſeries.

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eate vp thine incombe, or the better part of it, little will be laid vp for the future ſtocke, and ſo ſhalt thou reſt *in ſtatu quo prius*, as able in the end, as at the beginning of the terme.

Purch. I know no other courſe to diſpoſe of my money, in way of Purchace; for liues are caſuall, and yeares grant out ſo ſwiftly, as I cannot thinke of a better diſpoſement of my money, then to lay it out vpon land of inheritance, for that is perpetuall.

Sur. There are many of your minde, who by the greatneſſe of their ſpirits, vndermine their owne eſtates, and ſo hurle voluntary repentance vpon their owne heads, which they cannot auoide.

Purch. If a man haue a competent bargaine, there néedes no repentance.

A competent bargaine what?

Sur. A conuenient bargaine requires more then a competent *quid*, for a competent *quo*, that is a bargaine barely worth a mans money. As he that hath a thouſand pounds in his purſe, and beſtowes it vpon a Iewell worth a thouſand pounds: vnleſſe he purpoſe, and can diſpoſe this Iewell for more then it coſt, he may ſay hee hath a Iewell worth a thouſand pounds, and had a thouſand pounds in money; But his money being gone, in ſtead of vſing it to his gaine, he lookes on his Iewell with griefe. Eſpecially when commanding neceſſity, requires needfull ſupplies: then lies his Iewell dead, and cannot, but had he his money, it would haue ſupplied his wants.

Purch. This in mine opinion is little to the matter in queſtion, for I lay not out my money ſo, but that I haue a yearely profit, anſwerable to the value of my money, and lies not dead, as doth his Iewell.

Sur. Little oddes betweene nothing comming in, and ſomthing comming in and profit nothing: as doth your Farme,

Farme, which either wanting ſtocke, can yeelde little, or hauing ſtock of intereſt, eates the gaine. But the queſtion propounded was, whether a man of ſmall meanes, were better for his profit to Purchace Fee-ſimple, or to buy a Leaſe. The queſtion.

Pur. **That indéede is the queſtion, & I think a more profitable courſe, to purchaſe land in Fée-ſimple, then to buy a leaſe.**

Sur. I ſay more expedient cannot be, for a man that hath 10. or 20. or more thouſand pounds in his purſe: for thereby he may confirme his hope of hereditary ſucceſſion, & conſequently of Honor and Office. But to ſpeak in anſwer to your ſtocke, at the moſt (as you ſay) 1000. Markes, were it two or three thouſand pounds, I affirme theſe kindes of Purchaſes are not moſt profitable. With whom the Purchace of Fee-ſimples beſt agreeth.

Purch. **What then in your opinion is the beſt courſe to lay ſo ſmall portions of money in, as you ſpeake of.**

Sur. Leaſes.

Purch. **Alas, a Leaſe is gone in the third part of a mans age, vnleſſe it be for fifty, forty, or an hundred yeares: vpon ſuch a man might be content to lay out his money.**

Sur. I hold rather a Leaſe of one and twenty yeares more beneficiall. A Leaſe of twenty one yeares moſt beneficiall in ſome caſes.

Purch. **That were ſtrange, how can you proue that?**

Sur. Admit you haue 1000. pound in your purſe, and you will Purchace a Leaſe of 100. yeares. It will coſt you thirteene yeares Purchace at the leaſt. So your 1000. pound will buy about 80. pound *per annum*, which will not amount vnto the intereſt of your money by twenty pounds a yeare. But if you buy a Leaſe of 21. yeares, you may haue it for 7. yeares Purchace. So will your 1000. pound buy a Leaſe worth 140. pounds a yeare, exceeding the intereſt of your money 40. pounds a yeare. So there is threeſcore pounds more by a Leaſe of twenty

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one ye ares, then by a Leaſe of a hundred yeares, which whether it be more profitable for a man to buy, that hath no great meanes, Iudge you.

Purch. Truely for my part I doe now conceiue it ſo well, as I am vtterly diſſwaded from Purchaſing land in Fee-ſimple, or for more yeares then one and twenty, vnleſſe I had a greater portion, then indeede I haue. And me thinkes I might compare my ſelfe (in the minde that I was) vnto one that had foure pence in his pocket, who would néedes buy a purſe to put it in, and ſo bought him a purſe which coſt him a groate: and he had as much money left to put in his new purſe, as I ſhould haue had to haue ſtocked my new Farme, when I had beſtowed my thouſand Markes vpon forty pounds a yeare. But now buying a leaſe for one and twenty yeares, my thouſand Marks will bring me neare three-ſcore pounds a yeare, and yet reſerue money ſufficient to ſtocke the Farme: I doe not thinke, but if other men of my poore meanes did well conceiue of this, they would be of the ſame minde that now I am.

A fit compariſon.

Sur. I neither perſwade nor diſſwade any, to or from their owne opinions, for I know, it is as hard a matter to draw ſome men to a truth, as to remoue ſome from an errour. And ſome I know are alwaies moſt perſwaded to embrace that which is moſt in vſe, and refuſe the better, that few affect, and not many haue proued: And therefore to make a mans ſingular conceit (haue it in experience and practiſe neuer ſo deſerued allowance) the preſident of other mens imitation, will ſuſpend it vntill it become as common as vice it ſelfe; and therefore to your ſelfe I ſay, doe not as I perſwade, but perſwade your ſelfe, as your owne conceit, in your ſeeming reaſon ſhall tell you what is beſt or worſe; though it be matter of fact, it is no matter of ſauing faith, therefore take right or left, as you liſt.

Some will embrace what is moſt in vſe.

Purch. I am not ſo fickle in my fancie, as it ſhould flie from one

one conceit to another, after such due satisfaction as you haue giuen me: for whatsoeuer other mens iudgements may yeld in this behalfe, I take it the truest course for best profit, by smallest meanes: And I thinke no arguments can be so forcible to remoue what I haue conceiued, onely, one scruple remaineth, which I may rather terme a friuolous doubt, because it may succéede otherwise then I feare, and that ariseth in my conceit by reason of the shortnesse of the terme of one & twenty yeares: for if a man leaue his sonne a Farme for that terme, either it may be taken ouer his head, or else he must be forced to buy it againe within fiftéene or sixtéene yeares, which both are things very vnpleasant and most distastfull to most men.

A doubt in a lease of 21. yeares.

Sur. It is true, but the end of the tearme being truely knowne, it takes away some of the harshnesse, by a prouident preparation against the time: for if a son to whom a man leaueth threescore pounds *per annum* (your owne proportion) with a stocke; if he, by his frugality, prouidence and carefull husbandry, cannot lay vp, in sixteene yeares so much, as will eyther procure the same againe, or some other as valuable elsewhere, leaue him to liue as he may after the terme ended: for, it is not probable, that he would be thriftie or become more wealthy, if he had thrise as much; for it is not the quantity of the thing left, but the quality of him to whom it is left, that proueth this proposition true or false.

Purch. It is so, for I haue known some meanely left with leases, haue growne rich, & some rich of inheritance become poore.

Sur. As are mens dispositions good or ill, so commonly is the continuance of their estates prosperous or aduerse.

Bayly. Surely, it is true. It so appeareth by the carriage of young men, in these daies, who shew themselues most improudent and careleste, for the most part, not onely such as stand in possibility to be aduanced by the ability of parents,

The carriages of young men careleste.

or friends, but such also (by a kinde of impious imitation) as haue no other meanes, then either their owne labours, or sinister shifts: for as are the diseases of the bodie, of late become yearely wonders for their strangenesse: so mens prophane humours and vitious qualities grow yearely more strange, by taking new courses of chargeable wickednesse: changeable fashions in apparell, gaming, the pot, and their lasciuious liues, rend patrimonies in peeces, and bring men to meere beggery, that before scorned the meere title of Gentlemen. A due obseruer may well note, that where one, left by a carefull father wealthy, and by the grace of God, is of discretion fit to manage what is left him: tenne grow thereby the more insolent, secure, prodigall, vitious, and consume more in one yeare by their ranke rpot, then their carefull fathers or regardfull friends did get by their care and industry in ten: wherby groweth that strange vicissitude which we see in the world, the father to purchase, the sonne to sell, the father to sell, the sonne to purchase, neuer continuing long in one line: many generations enioy not one and the same inheritance. Patrimonies are like vnto the fained wheele of Fortune, resembling also the waues of the Sea, driuen now to the shore, and forthwith to the channell, as the tide and the windes: so are possessions posted from one to another, more in these latter daies then euer before: mindes become inconstant heere estates inconstant. In former ages an inheritance continued many generations, neuer altring either the line or the name of the owner: men had a kinde of religious regard to preserue the inheritance of their auncestors: and in these dayes, they thinke it a superstitious ceremony, to keepe it: the father buyeth in hope to better his sonne, and the sonne sels to dishonour himselfe: And therefore I thinke whether it be Fee-simple or Lease, all is bayt for a buyer, and a wastefull sonne is indifferent in both.

The cause of the confusion of Patrimony.

Patrimonies like Fortunes wheele.

A sonne cannot so much depend vpon leases as vpon Fee-simple.

Sur. There is no cause so much to assure a sonne of future meanes by *Leases*, as by *Fee-simples*, for an eldest sonne is in part assured of his Patrimony, howsoeuer he

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carry himſelfe: but leaſes may be giuen as a chattell, and therefore may make a ſonne the more awfull. But it is a hard thing, that neither the loue of parents, in perſwading, nor the law of Magiſtrates by puniſhing, can preuent theſe daily increaſing miſchiefes: I thinke it may be affirmed, that the fault is eſpecially in parents, by giuing and ſuffering, as alſo in Magiſtrates in not correcting ſuch wilfull tranſgreſſing the lawes of loue and obedience, and to ſhorten the line of that common libertie of young men whereby they liue, doe, and continue as they liſt: And ſo much the more, by how much they finde their owne ſtrength, to reſt in the ability and doting loue of their abuſed parents, who (whilſt they liue) ſupport theſe liberties by ſupplyes of needleſſe wants: And the hope of the whole, after their deaths, make young men diue into the deepeſt of the danger of cauſeleſſe debts, which (the parents dead) forceth to be imbowelled the beſt of his new falne Patrimony: the reliques wherof he muſt ſacrifice, to appeaſe the violence of that deuouring *Hidra*, and peece-meale offers the reſt to his owne vice and vaine-glory.

Purch. **Truely, theſe dayes affording ſuch fruits, I wonder whether is more the cauſe, the folly of parents or the frenſie of children.**

Sur. I thinke indeede many children (as it ſeemeth by their diſſolute liues) are poſſeſſed with a kinde of frenſie or madneſſe; for they are as farre from awe of gouernement, as are ſuch as are madde indeede: And yet I thinke of the two, the fooliſhneſſe of doting parents, is more the cauſe of their childrens madneſſe, then is the meere naturall inclination of the children: for did parents keep a kinde of power in their owne hands, and did not feede

Fathers doting on their children, the cauſe often times of their childrens hurt.

their childrens humours too full: they could not but withdraw, though not their desires, yet their meanes from those wastefull courses.

Purch. It seemeth to me a matter almost impossible, my reason is, because it is now growne to so generall a disease, if it were in the Cities onely, and not in the Countrey, or were it in one shire, and not in another, or in one towne or parish and not in another: nay, were it in one house and not in another, I would then thinke the Countrey might reclaime the Citie, one shire, one towne, or one house might reforme another: but being as it is, so vniuersall, in Cities, countrey townes and houses, if any place or person be now free, it, or he is in danger to be seduced: and therefore one father may endeuor by counsell, force, or faire wordes, to order his sonne in the way of hope to be happy: but what tenne fathers by counsell can worke in two children in much time, one impious, idle, vaine, and vitious neighbours sonne shall poyson twenty in lesse, And therefore vnlesse as the infection is generall, there could be found a generall preseruatiue, it will grow, ab hoc malo, ad illud pejus, to be daily worse and worse.

Sut. So then let vs leaue them, and I leaue you, fare you well.

Purch. Nay, I must needes intreate your opinion in one thing more, I will not be tedious. When a man doth purchase Land in Fee-simple or Lease, are there not some speciall points of obseruation to be considered before a man either buy or sell?

Sut. I thinke none is so ignorant or simple, but if he buy a Horse, he will see what pace he hath, whether he be sound, and whether he that sels him haue right to the Horse, and other circumstances are to be considered in the buying of a Horse. And will any man be so mad as to buy or sell Land without due consideration, what he buyes or sels? And yet I must confesse, that some doe

None is so simple but will obserue what he buyes.

pur-

purchace, and some doe sell, as they that cut wood ouer their heads, the chips fall into their eyes, they see not what they buy, or what they sell. Many haue beene and are daily deceiued, for want of the true iudgement of the things they buy or sell, not seeking to informe themselues by themselues: nor for feare of charge, be informed by some of vnderstanding to view the thing they buy or sell, a matter sauouring either of little prouidence, or great securitie.

Purch. **Wherein I pray you should a man seeke especially to be informed in buying or selling Land?**

Sur. Me thinks it is a needlesse question, because these things are common to euery mans conceit. But to satisfie your desire, I take it the *Title*, is first to be duly considered, and then the drawing of the Euidence, for in these daies there goe more words to a bargaine of ten pound land a yeare, then in former times were vsed in the grant of an Earledome, and yet me thinkes many superfluous words might be omitted, and the assurance good: as they were in former times, with farre fewer words, but that I leaue to the learned, that know what is fit to be inserted or omitted, according to the qualitie of the thing purchased, onely the true meaning should be the best assurance. Secondly, the *yearely and likely permanent value* is to be considered. The *quantitie*, *qualitie*, and *nature of the soyle*. The meanes to better it, as by clensing and cleering of the grounds of bushes, and other inconueniences, drayning of the low, boggie, and watrygrounds: where and how to get *Marle*, *Chalke*, *Moore-earth*, *Seasand*, and such like meanes to improue, and better meane grounds. The nearsitie or plenty of *Wood* and *Timber*, which are either a helpe or hindrance to the sale. To obserue

Things to be considered in a Purchase.

obserue the *Fenses*, and the meanes to continue them. The *Water*, whether in Springs, Riuer, or ſtanding Pooles, which laſt is moſt inconuenient. The *Howſing*, how conuenient and competent they are, and how they ſtand preſently repaired, and the ſuppoſed charge to doe it. The *ſituation of the place*, for ayre, ſweet or contagious. The wayes, good or cumberſome. *Commons of paſture*, *Commons of Eſtouer* if any be: what *Commodities* it eſpecially yeeldeth: how and where they may be beſt vented: and where, & how far off *houſhold neceſſaries* are to be had. Duties to the Church, and Common-wealth, with ſeruices due to the ſame: what iſſues out in Rent, or other charges: what is paid to it: and many other things [illegible] be conſidered in the view of a Mannor, which [illegible] are ſet downe in the ſecond and third Bookes.

Purchacer. **These are necessary notes of remembrance, which are fit to be considered, both by him that selleth, and him that buyeth any Land, the neglect whereof may prejudice either. And thereby no doubt many are decrined, and some abused: I am loath to trouble you further, I thanke you for your patience, I will leaue you to your occasions.**

PROV. 17.2.

A discreet Seruant shall haue rule ouer an vnthriftie Sonne.

FINIS.

STC 18641. Norden, J.
The surveiors dialogue ... 1618.

Before this was bound by Robert Lunow, it was in paper covers, having been removed from its original binding at some earlier time.

While in sheets it was examined and found to be as follows:

<u>Collation</u>: A^{8} (-A1) B-L^{8} M^{6} N-R^{8} S^{4}.

<u>Condition</u>: All pairs of leaves were normally conjugate.

20 July 1959

D Mason

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